

TABLE OF CONTENTS

**TITLE 16
COUNTIES**

PART I. PRELIMINARY PROVISIONS

Chapter 1. General Provisions

- § 101. Scope of title.
- § 102. Applicability.
- § 102.1. Definitions.
- § 103. Excluded provisions.
- § 104. Saving clause.
- § 105. Holding of office.
- § 106. Construction of references.
- § 107. Constitutional construction.
- § 108. Legislation according to class.
- § 108.1. (Reserved).

Chapter 3. Names and Corporate Powers and Classification of Counties

Subchapter A. Division of Commonwealth into Counties and Corporate Powers

- § 301. Enumeration of counties.

Subchapter B. Classification

- § 310. Counties divided into nine classes.
- § 311. Ascertainment, certification and effect of change of class.

Chapter 5. Fixing and Relocating Lines and Boundaries

- § 501. Petition to Commonwealth Court.
- § 502. Commonwealth Court designation of neutral court and appointment of commission.
- § 503. Compensation, assistants and expenses.
- § 504. Oath, organization and duties.
- § 505. Authority to fix undetermined county line.
- § 506. Report of boundary commission, approval by court and certification of line.

Chapter 11. General Provisions

Subchapter A. (Reserved)

Subchapter B. Required Fiscal Security for Officers and Employees

- § 1121. Short title and scope of subchapter.
- § 1122. Definitions.
- § 1123. Required security.
- § 1124. Official security and officers.
- § 1125. Other county officers and employees.
- § 1126. County officers and employees acting as agents.
- § 1127. Bonds or blanket bond as security coverage.
- § 1128. Insurance as security coverage.
- § 1129. Form of required security.
- § 1130. Amount of coverage.

- § 1131. Custody and filing of required security documents.
- § 1132. Payment of premiums and commissions on collections.
- § 1133. Other requirements, references and approvals.

PART II. COUNTIES OF THE FIRST CLASS

Chapter 21. (Reserved)

Chapter 23. Vehicle Rental Tax

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

PART III. COUNTIES OF THE SECOND CLASS

SUBPART A. GENERAL PROVISIONS (Repealed)

Chapter 71. (Reserved)

Chapter 73. Salaries

- § 7301. Salary of solicitor and costs.

PART IV. COUNTIES OF THE SECOND CLASS A THROUGH EIGHTH CLASS

Chapter 121. General Provisions

- § 12101. Scope of part.
- § 12102. (Reserved).
- § 12103. Proceedings for recovery of penalties.
- § 12104. Collection of tax and municipal claims by suit and limitations.
- § 12105. Publication of legal notices.
- § 12106. General powers.
- § 12107. Vesting of corporate power.

Chapter 123. County Officers

Subchapter A. General Provisions

- § 12301. Elected officers.
- § 12302. Incompatible offices.
- § 12303. Oath of office.
- § 12303.1. (Reserved).
- § 12304. Recorded commissions.
- § 12305. Location of offices, records and papers.
- § 12306. Open records.
- § 12307. Securing from predecessors.
- § 12308. Action by deputies.
- § 12309. Vacancies.
- § 12310. Information to heads of governmental departments.
- § 12311. Penalty.
- § 12312. (Reserved).
- § 12313. Qualifications.
- § 12314. Mileage.
- § 12315. Security.
- § 12316. Solicitors to county officers other than county commissioners.

Subchapter B. (Reserved)

Subchapter C. State Associations

- § 12340. State associations.
- § 12341. Purpose and annual meetings.
- § 12342. Deputies and solicitors.
- § 12343. Expenses and time limits.
- § 12344. Other meeting expenses.
- § 12345. Annual assessments.
- § 12346. Associations and organizations concerned with governmental affairs.

Subchapter D. Removal of County Officers

- § 12350. Removal of county officers and appointees.

Subchapter E. Conduct of Official Business

- § 12360. Meetings open to public.

Chapter 125. County Commissioners and Chief Clerks

Subchapter A. County Commissioners

- § 12501. Election and vacancies.
- § 12502. Organization.
- § 12503. Meetings.
- § 12504. Quorum and execution of official instruments.
- § 12505. Certified copies of proceedings.
- § 12506. Oaths.
- § 12507. Expenses.
- § 12508. Office supplies.
- § 12509. Ordinances and resolutions.
- § 12510. (Reserved).
- § 12511. (Reserved).
- § 12512. (Reserved).
- § 12513. (Reserved).

Subchapter B. Chief Clerk of County Commissioners

- § 12520. Chief clerk.
- § 12521. Duties and powers of chief clerk.

Chapter 127. Controller

- § 12701. Election, term and seal.
- § 12702. Eligibility.
- § 12703. Deputy controller and clerks.
- § 12704. (Reserved).
- § 12705. Establishment of office of controller in counties of sixth, seventh and eighth classes.
- § 12706. Appointment by Governor, duties of auditors and abolition of office of auditor.
- § 12707. Expenses.

Chapter 129. Auditors

- § 12901. Election and vacancies.
- § 12902. Eligibility.
- § 12903. Meetings and quorum.
- § 12904. (Reserved).

Chapter 131. Treasurer

- § 13101. County treasurer and eligibility.
- § 13102. (Reserved).
- § 13103. (Reserved).
- § 13104. (Reserved).
- § 13105. Misapplication of money collected for specific purposes.
- § 13106. Deputy treasurer.
- § 13106.1. Second deputy treasurer.
- § 13107. (Reserved).

Chapter 133. County Solicitor

- § 13301. Appointment and qualifications.
- § 13302. Duties.
- § 13303. Employees in certain counties.
- § 13304. Assistant county solicitors.

Chapter 135. Engineer

- § 13501. County engineer, appointment and term.
- § 13502. Duties.

Chapter 137. Sheriff

- § 13701. Unfinished business of outgoing sheriff.
- § 13702. Deputy action authorized.
- § 13703. Chief deputy and petition.
- § 13704. Real estate deputies.
- § 13705. Deputies and clerks.
- § 13706. Deputy sheriff's qualifications.
- § 13707. False statements in deputy's affidavit.
- § 13708. Filed items and public records.
- § 13709. Public list of applicants for deputy sheriff.
- § 13710. Private services, gifts and payments prohibited.
- § 13711. Penalties.
- § 13712. Construction.
- § 13713. Chief deputy sheriff to act as sheriff in case of vacancy.
- § 13714. Sheriff to keep docket.
- § 13715. Not to exercise office until commission granted and recorded and penalty.

Chapter 139. Coroner

Subchapter A. Preliminary Provisions

- § 13901. Applicability.
- § 13902. Definitions.

Subchapter B. General Provisions

- § 13911. Deputies.
- § 13912. Duties regarding county morgues.
- § 13913. Removal of bodies to morgue.
- § 13914. Removal of body, burial and vehicle.
- § 13915. Unclaimed property and sales.
- § 13916. Private morgue.
- § 13917. Requests for examinations and reports.
- § 13918. Coroner's investigation.
- § 13919. Autopsy, inquest and records.
- § 13920. Child deaths.
- § 13921. Sudden death.

- § 13922. Prohibition on moving a body.
- § 13923. Release of coroner's jurisdiction.
- § 13924. Cooperation with district attorney.
- § 13925. Cooperation with other counties.
- § 13926. Certificate of cause of death.
- § 13927. Subpoena and attachment.
- § 13928. Jury.
- § 13929. Oaths.
- § 13930. Commitment to county prison.
- § 13931. Excluded individuals.
- § 13932. Vacancy.
- § 13933. Anatomical gifts.
- § 13934. Execution of office.
- § 13935. Records.

Subchapter C. Fees and Cost Recovery

- § 13951. Disposition costs.
- § 13952. Fees for reports.

Chapter 141. Prothonotary, Clerk of Courts, Clerk of Orphans' Court, Register of Wills and Recorder of Deeds

- § 14101. Election of prothonotary, clerk of courts, clerk of orphans' court, register of wills and recorder of deeds.
- § 14102. Office holders.
- § 14103. Separate judicial districts.
- § 14104. (Reserved).
- § 14105. Appointment of first deputies.
- § 14106. (Reserved).
- § 14107. (Reserved).
- § 14107.1. (Reserved).
- § 14108. (Reserved).
- § 14109. (Reserved).
- § 14110. (Reserved).
- § 14111. (Reserved).
- § 14112. Second deputy recorder.
- § 14113. Clerks of recorder to administer oaths.
- § 14114. (Reserved).
- § 14115. (Reserved).
- § 14116. (Reserved).

Chapter 143. District Attorney, Assistants and Detectives

Subchapter A. District Attorney

- § 14301. District attorney, qualifications, eligibility and compensation.
- § 14302. Duties of district attorney and entry of nolle prosequi.
- § 14303. Expenses incurred by district attorney.
- § 14304. Filling of vacancies.
- § 14305. Misconduct of district attorney.
- § 14306. District attorney charged with crime.
- § 14307. Legal resources for district attorney.
- § 14308. Police radio in counties of the third class.
- § 14309. Prosecution by private counsel.

Subchapter B. Assistant and Acting District Attorneys, Stenographers and Clerks

- § 14320. Assistant district attorneys.
- § 14321. Designation, powers and duties of first assistant.
- § 14322. (Reserved).
- § 14323. (Reserved).
- § 14324. Temporary court appointment in counties of the third, fourth, fifth, sixth, seventh and eighth class.
- § 14325. Indictment and cost clerk in counties of the fourth class.
- § 14326. Stenographers and clerks.

Subchapter C. County Detectives

- § 14340. Appointment, duties and compensation of county detectives.
- § 14341. Appointment of special detective with approval of court.

Chapter 145. Salaries of County Officers

- § 14501. Salaries of county officers.
- § 14502. Insurance and other employee benefits.

Chapter 147. Fees of Salaried County Officers and Salary Boards

Subchapter A. Fees of Salaried County Officers

- § 14701. Fees belonging to county.
- § 14702. System of accounts and fees paid to county treasurer.
- § 14703. Penalty for receiving gratuities or percentages.
- § 14704. False swearing to county accounts, bills or transcripts.
- § 14705. Officers to be paid salaries.
- § 14706. (Reserved).
- § 14707. Monthly returns.
- § 14708. Payment of certain officers.
- § 14709. Salaries in lieu of fees.
- § 14710. Rights of action and remedies for collection of fees.

Subchapter B. Salary Boards

- § 14720. Salaries and compensation.
- § 14721. Fees.
- § 14722. Salary boards.
- § 14723. Number and compensation of officers, deputies, assistants, clerks and employees and revisions of salary schedules.
- § 14724. (Reserved).
- § 14725. Procedure and action of salary board.

Subchapter C. (Reserved)

Chapter 149. Fiscal Affairs

Subchapter A. Fiscal Policy and Systems

- § 14901. Functions of county commissioners.
- § 14901.1. Billing and collection of third, fourth, fifth, sixth, seventh and eighth class county taxes.
- § 14901.2. Collection of tax on real property from rent paid to owner in county of the second class A.
- § 14902. Functions of controller.
- § 14903. Accounts of officers.

- § 14904. Custody of documents.
- § 14905. Financial records.
- § 14906. Investment of money.

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

- § 14920. Settlement of accounts, report to court of common pleas, publications and financial report.
- § 14920.1. Audit of additional accounts.
- § 14921. (Reserved).
- § 14922. (Reserved).
- § 14922.1. (Reserved).
- § 14923. (Reserved).
- § 14924. (Reserved).
- § 14924.1. Audit of insurance and escrow accounts.
- § 14925. Power of subpoena and attachment.
- § 14926. Power to administer oaths.
- § 14927. Refusal to obey subpoena or submit to examination.
- § 14928. Witness fees.
- § 14929. Settlement of accounts on extraneous proof.
- § 14930. Filing reports.
- § 14931. Appeals from reports.
- § 14932. Form of issue on appeals.
- § 14933. Allowance of attorney fees.
- § 14934. (Reserved).
- § 14935. (Reserved).
- § 14936. (Reserved).
- § 14937. (Reserved).
- § 14938. (Reserved).
- § 14939. (Reserved).

Subchapter C. Disbursals of County Money

- § 14950. Claims against county.
- § 14951. Procedure for approval.
- § 14952. Claims not approved by controller.
- § 14953. Reports to county commissioners.
- § 14954. Fees of witnesses and jurors.

Subchapter D. County Treasury and County Depositories

- § 14960. Receipts and accounts of money due county.
- § 14961. (Reserved).
- § 14962. Depositories.
- § 14963. (Reserved).
- § 14964. (Reserved).

Subchapter E. County Taxation, Borrowing and Transfer of Funds

- § 14970. Tax levies.
- § 14971. Additions and revisions to duplicates.
- § 14972. (Reserved).
- § 14973. (Reserved).
- § 14974. Temporary loans.
- § 14975. Transfer of certain money into general fund of county.
- § 14976. Supplemental appropriations, transfers of money and appropriation limits.
- § 14977. Banks authorized to receive taxes in counties of the second class A.

Subchapter F. Budgets

- § 14980. Fiscal year and preparation of proposed annual budget.
- § 14981. (Reserved).
- § 14982. Adoption of budget, publication of proposed budget and notice of final action date.
 - § 14982.1. Amended budget and notice.
 - § 14982.2. Delivery of tax duplicates.
 - § 14982.3. Amending budget, levy and tax rate, revising tax duplicates and filing.
- § 14983. Annual budget appropriations and tax rate.
- § 14984. (Reserved).
 - § 14984.1. Taking of money and property.
 - § 14984.2. Capital reserve fund for anticipated capital expenditures.
 - § 14984.3. Operating reserve fund.
- § 14985. Committee to prepare uniform forms.

Subchapter G. Sinking Fund Commission

- § 14990. Membership.
- § 14991. Management of sinking funds.
- § 14992. Bonds of county held by commission.
- § 14993. Pay off, cancellation, priority and sale of county bonds.
- § 14994. (Reserved).
- § 14995. Investment of sinking fund money.

Chapter 151. Contracts

- § 15100. Contracting.
- § 15101. Commissioners sole contractors for county generally.
- § 15102. Contract procedures, terms and bonds and advertising for bids.
- § 15103. Evasion of advertising requirements.
- § 15104. (Reserved).
- § 15105. Sales of personal property and surplus farm products.
- § 15106. Conflicts of interest prohibited.
- § 15107. Application of contract provisions.
 - § 15107.1. Printing contracts.
 - § 15107.2. Prohibited contract provisions.

Chapter 153. Special Powers and Duties of Counties

Subchapter A. (Reserved)

Subchapter B. (Reserved)

Subchapter C. (Reserved)

Subchapter D. County Histories

- § 15328. County history.
- § 15329. Payment to historical societies.
- § 15330. Qualification of society.
- § 15331. Restoration and preservation of historic sites.

Subchapter E. Animal and Plant Husbandry

- § 15335. Appropriations for prevention of cruelty to animals.
- § 15336. Cooperative Extension, natural resources, 4-H youth, families, nutrition and community development.

- § 15337. Agricultural or horticultural societies.
- § 15338. Suppression of animal and plant disease.
- § 15339. County fair associations in counties of the third, fourth, fifth, sixth, seventh and eighth class.

Subchapter F. Communications

- § 15343. Appropriations for radio broadcasting station.
- § 15344. Appropriations for police, fire and other public safety radio and telecommunications networks.

Subchapter G. Prevention and Control of Floods

- § 15347. Prevention and control of floods.

Subchapter G.1. Disaster Emergency Aid to Municipalities in Counties of the Third through Eighth Class

- § 15348. Emergency appropriation to municipal corporations.

Subchapter H. Aid to Firefighting Departments and Companies

- § 15351. (Reserved).
- § 15352. Establishment of fire training schools.

Subchapter H.1. Fire Marshal and Assistant Fire Marshals in Counties of the Third through Eighth Class

- § 15353. Appointment.

Subchapter I. Utilities

- § 15355. Drilling gas wells and laying gas lines.
- § 15356. Contracts for relocation, change or elevation of railroads.
- § 15357. County may assist municipalities.

Subchapter J. (Reserved)

Subchapter K. Rewards and Bounties

- § 15371. Rewards for detection or apprehension of criminals.
- § 15372. (Reserved).

Subchapter L. Garbage and Refuse Disposal

- § 15375. Municipal waste processing and disposal in county facilities.

Subchapter M. (Reserved)

Subchapter N. Appropriations to Industrial Development Agencies

- § 15385. Appropriations to industrial development agencies by counties.
- § 15386. (Reserved).

Subchapter O. Surplus Foods and Food Stamp Program

- § 15390. Appropriations for handling, storage and distribution of surplus foods.

§ 15391. (Reserved).

Subchapter P. Historical Property and Museums

§ 15395. Acquisition, repair and maintenance of historical property.

§ 15395.1. Contributions to museums of fine art or natural history.

Subchapter P.1. Legal Aid Services

§ 15396. Appropriations for legal aid services.

Subchapter Q. Transportation and Traffic Control Devices

§ 15397. Improvement of operation and facilities.

§ 15398. Money for traffic control devices.

Subchapter R. (Reserved)

Subchapter S. Appropriations for Recreation and Historic and Museum Projects of Municipal Corporations, Authorities and Nonprofit Organizations

§ 15399. Appropriations for recreation and historic and museum projects.

Subchapter T. Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts in Counties of the Third through Eighth Class

§ 15399a. Appropriations to institutions of higher learning or to nonprofit educational trusts.

Subchapter U. Agreements with Federal Government for the Promotion of Health or Welfare

§ 15399b. Federal health and welfare programs.

Subchapter V. Appropriations for Reservoirs and Water Resources

§ 15399c. Appropriations for reservoirs and water resources.

Subchapter W. Tourist Promotion Agencies

§ 15399d. Tourist promotion agencies and appropriations.

Subchapter X. Crime Detection Laboratory and Police Training School in Counties of the Third Class

§ 15399e. Crime detection laboratories and police training schools.

Subchapter Y. Parking Facilities

§ 15399f. Parking facilities.

Subchapter Z. Revenue Bonds for Industrial Development Projects

§ 15399g. Issuance of revenue bonds for industrial development projects.

Subchapter Z.1. Grants to Nonprofit Art Corporations

§ 15399h. Grants to nonprofit art corporations.

Subchapter Z.2. Commission on Women

§ 15399i. Commission on the status of women.

Subchapter Z.3. Civil Service in Counties of the Second Class A

§ 15399j. Civil service for certain employees.

Subchapter Z.4. Insuring County Against Loss or Liability

§ 15399k. Insurance.

Subchapter Z.5. Lot and Block System in Counties of the Second Class A

§ 15399l. Lot and block system.

§ 15399m. Duties of county officers and employees under lot and block system.

Chapter 155. Military and Veterans Affairs

Subchapter A. Appropriations for Military Purposes

§ 15501. Appropriation of money or land for National Guard Armories.

§ 15502. Appropriation for maintenance of National Guard.

§ 15503. Appropriation to rifle clubs in time of war.

Subchapter B. Interment of Deceased Servicepersons and Surviving Spouses

§ 15508. Definitions.

§ 15509. Funeral expenses of deceased servicepersons.

§ 15510. Interment of spouses of deceased servicepersons.

§ 15511. Payment.

§ 15512. Flagholders for graves.

§ 15513. Memorial benefit.

§ 15514. Burial plots.

§ 15515. Care of graves and headstones.

§ 15516. Determining eligibility for interment benefits.

Subchapter C. Memorial Observances

§ 15521. Appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day.

§ 15522. Flags to decorate graves.

§ 15523. Compilation of war records.

§ 15524. Director of veterans' affairs.

Chapter 157. Public Health

Subchapter A. General Provisions

§ 15701. Health work.

Subchapter B. (Reserved)

**Subchapter C. County Health Aid to Institutions and
Political Subdivisions**

§ 15730. Appropriations to hospitals, health clinics and homes.

§ 15731. (Reserved).

§ 15732. Aid to municipal corporations for sewage purposes.

§ 15733. Aid to municipal corporations for water systems.

Subchapter D. Insect Control

§ 15750. Elimination and abatement of larvae breeding places
and liens.

§ 15751. Not to affect public water supply.

§ 15752. Appropriations.

Subchapter E. Care of Dependents and Children

§ 15760. Definitions.

§ 15761. County institution districts abolished.

§ 15762. Records.

§ 15763. Powers and duties.

§ 15764. Further powers and duties.

§ 15765. Referral by Department of Human Services.

§ 15766. Provision for burial.

§ 15767. (Reserved).

§ 15768. Powers and duties of county commissioners relating
to children.

§ 15769. Contributions for medical care.

§ 15770. Inspections by Department of Human Services.

§ 15771. Reports of individuals applying for treatment of
disease.

§ 15772. Rules and regulations.

§ 15773. Providing services without charge prohibited.

§ 15774. Payments by county commissioners for assistance.

§ 15774.1. Limitation of authority respecting public assistance
recipients.

§ 15775. (Reserved).

§ 15776. (Reserved).

§ 15777. (Reserved).

**Subchapter F. Training for County Health, Welfare and
Probation Personnel**

§ 15780. Attendance at training courses and conferences.

Subchapter G. (Reserved)

Subchapter H. General Hospitals

§ 15799.5. Establishment and creation of municipal authorities.

§ 15799.6. Expenses.

§ 15799.7. Administration of hospitals.

§ 15799.8. Use of hospital.

Chapter 159. Aeronautics and Transportation

Subchapter A. Aeronautics

- § 15900. Definitions.
- § 15901. Authority to establish airports.
- § 15902. Acquisition of land for aeronautical purposes.
- § 15903. Condemnation proceedings and title.
- § 15904. Agreements for airport facilities.
- § 15905. Joint operation and leasing.
- § 15906. Engineering and construction and appropriations.
- § 15907. Contracts for construction and repairs.
- § 15908. Validation of contracts.
- § 15909. Airport appropriation assistance.
- § 15909.1. Issuance of revenue bonds for airport facilities in counties.
- § 15910. Municipal approval required.

Subchapter B. Second Class A County Transit and Traffic Commission

- § 15950. Creation of county transit and traffic commission.
- § 15951. Duties of county transit and traffic commission.

Chapter 161. Grounds and Buildings

Subchapter A. General Provisions

- § 16101. Title to real estate vested in county.
- § 16101.1. Days and hours of courthouse and offices.
- § 16102. Exemption from taxation and attachment.
- § 16102.1. Payments in lieu of taxes.
- § 16103. (Reserved).
- § 16104. Credit of county available for grounds and buildings.

Subchapter B. Acquisition, Use, Leasing and Disposing of Real Property for County

- § 16105. Acquiring and using real property and exceptions.
- § 16105.1. Acquiring and developing industrial areas.
- § 16106. Authority to sell or lease real property.
- § 16106.1. Authority to sell certain property as a single unit.
- § 16107. (Reserved).
- § 16108. (Reserved).
- § 16109. (Reserved).
- § 16110. (Reserved).
- § 16111. Disposing of county property for other uses and demolition.

Subchapter C. Acquisition, Construction or Alteration of County Buildings

- § 16115. Authority and procedure for acquiring, constructing or altering county buildings.
- § 16116. Right to build on public squares.
- § 16117. Separate bids for plumbing, heating, ventilating, air conditioning, electrical work, elevators and escalators.
- § 16118. Contract performance security and payment bonds.
- § 16119. Compliance with workers' compensation law.
- § 16120. (Reserved).

Subchapter D. Policing, Administration and Public Order of Grounds and Buildings

- § 16125. Buildings and grounds.

- § 16126. Security and grounds employees.
- § 16127. Display of municipal flags on county buildings authorized.
- § 16128. (Reserved).
- § 16129. (Reserved).

Subchapter E. Special Provisions for Temporary County Buildings and for Rooms in County Buildings

- § 16135. (Reserved).
- § 16136. (Reserved).
- § 16137. Room or building for juvenile offenders awaiting trial.
- § 16138. (Reserved).
- § 16139. Furnishing rooms for meetings of veterans and other organizations.

Subchapter E.1. Special Provisions for Temporary County Buildings and for Rooms in County Buildings in Counties of the Second Class A

- § 16139.1. Scope of subchapter.
- § 16139.2. Room or building for juvenile offenders awaiting trial.
- § 16139.3. Management of houses for detention of juveniles and appointment of board and ex officio members.
- § 16139.4. Appointment and compensation of employees.
- § 16139.5. Annual report and expenses.
- § 16139.6. Appropriation and bond issues.

Subchapter F. Improvement of Streets Along County Buildings and Street Lighting

- § 16145. Joining with municipalities in improving certain streets and highways.
- § 16146. Ornamental illumination.

Subchapter G. Public Accommodations

- § 16150. Appropriations for public accommodations.

Subchapter H. Monuments and Memorials

- § 16155. Monuments, memorials and memorial halls to war veterans.
- § 16156. Assistance to private or municipal agencies.
- § 16157. (Reserved).
- § 16158. (Reserved).
- § 16159. Existing buildings.
- § 16160. Donations.
- § 16161. Maintenance of hall.
- § 16162. (Reserved).
- § 16163. Board of control.
- § 16164. Flagstaff and display of flag.
- § 16165. Acquisition of additional land and equipment, furnishings, etc.
- § 16166. Tax levy and increase or indebtedness.
- § 16167. Preservation, maintenance, repair and completion of public monuments.

Subchapter I. Public Auditoriums, Public Libraries, Public Memorial Buildings and Monuments

- § 16168. Acquiring of property.
- § 16169. Rental of auditoriums.
- § 16170. (Reserved).

Subchapter J. Homes and Hospitals

- § 16174. Donations to orphans' or childrens' homes.
- § 16175. Management and control of orphans' home.
- § 16176. Admission to home.
- § 16177. Maintenance of childrens' homes.
- § 16178. (Reserved).
- § 16179. (Reserved).
- § 16180. (Reserved).
- § 16181. (Reserved).
- § 16182. (Reserved).
- § 16183. (Reserved).
- § 16184. (Reserved).
- § 16185. (Reserved).

Subchapter K. Morgues

- § 16190. Authority to provide and approval.
- § 16191. (Reserved).
- § 16192. (Reserved).
- § 16193. (Reserved).

Subchapter L. (Reserved)

Chapter 163. Eminent Domain and Injury to Property

- § 16301. Exercise of eminent domain.
- § 16302. Restrictions as to certain property.
- § 16303. Declaration of intention.
- § 16304. Application of 26 Pa.C.S.

Chapter 165. Recreation Places

- § 16501. Acquisition of land and buildings for recreation places.
- § 16502. Construction, equipment and maintenance and general powers.
- § 16503. Fair, park and recreation boards.
- § 16504. Officers of board.
- § 16505. (Reserved).
- § 16506. Indebtedness.
- § 16507. Payment of expenses, taxation, annual fairs and State contributions.
- § 16508. Park buildings.
- § 16509. Use of receipts.
- § 16510. Damages, forfeiture of leases and penalties.
- § 16511. Employees and police.
- § 16512. Duty of police.
- § 16513. Property held in trust.
- § 16514. (Reserved).
- § 16515. (Reserved).
- § 16516. (Reserved).
- § 16517. Appropriations to political subdivisions for recreation places.

Chapter 167. Bridges, Viaducts and Culverts

Subchapter A. General Authority and Procedures for Providing Bridges

- § 16700. Definitions.
- § 16701. Authority, definitions and application of chapter.
- § 16702. Maintenance and repairs.
- § 16703. Acquisition of real property.
- § 16704. Plans and surveys for bridges and viaducts.
- § 16705. (Reserved).
- § 16706. (Reserved).
- § 16707. Approval of Federal or State agencies and change in location.
- § 16708. (Reserved).
- § 16709. (Reserved).
- § 16710. (Reserved).
- § 16711. Cost sharing.
- § 16712. Boundary line bridges.
- § 16713. (Reserved).
- § 16714. Authorization to purchase.
- § 16715. Privately owned bridge.
- § 16716. Acceptance of donated bridge.

Subchapter B. Special Authorities and Procedures

- § 16730. Widening, straightening, altering or changing course of unnavigable streams for protection of county bridges and highways.
- § 16731. Providing and maintaining dykes, banks, causeways and sluiceways for protection of bridges and highways.
- § 16732. Lighting of county bridges.
- § 16733. Temporary substitutes for bridges.
- § 16734. Closing, vacating, abandoning and removing county bridges.
- § 16735. Contracts for special use of bridge.
- § 16736. Contracts with railroad companies.
- § 16737. (Reserved).
- § 16738. (Reserved).
- § 16739. (Reserved).

Subchapter C. Taking Over or Assisting with Township or Municipal Bridges

- § 16750. Procedure for taking over bridge by county, aid to political subdivisions in construction and maintenance of bridge.
- § 16751. Change of location.
- § 16752. Construction of embankments and causeways.
- § 16753. Contract for parts of municipal bridges.
- § 16753.1. Contributions.
- § 16754. Municipal cooperation.
- § 16755. Construction of bridge over ravine or valley.
- § 16756. Municipal bridge as county bridge.
- § 16757. (Reserved).
- § 16758. (Reserved).
- § 16759. (Reserved).
- § 16760. (Reserved).
- § 16761. (Reserved).

Subchapter D. (Reserved)

Subchapter E. Taxation and Borrowing

- § 16775. Appropriations and tax levy.
- § 16776. Incurring of indebtedness and taxation for debt service.

Chapter 169. Roads

Subchapter A. Authorization, Construction and Maintenance

- § 16901. Definitions.
- § 16902. Establishing county roads.
- § 16903. Acquisition of rights-of-way of abandoned railroads.
- § 16904. Joint action by counties.
- § 16905. (Reserved).
- § 16906. Maintenance and repair of county roads.
- § 16907. Annual tax.
- § 16908. Borrowing money, bond issue and tax levy.
- § 16909. Changing part of road upon agreement.
- § 16910. Assessment of benefits.
- § 16911. Interest on benefits assessed.
- § 16912. Liens for benefits assessed.
- § 16913. Sidewalks along county roads.
- § 16914. Lights along county roads.
- § 16915. (Reserved).
- § 16916. (Reserved).
- § 16917. (Reserved).
- § 16918. (Reserved).
- § 16919. (Reserved).
- § 16920. Adoption of system of main thoroughfares.
- § 16921. Improvement of municipal roads.
- § 16922. Plan of system to be followed and variations.
- § 16923. Improvement of roads not part of system on contribution from parties interested.
- § 16924. (Reserved).
- § 16925. (Reserved).
- § 16926. (Reserved).
- § 16927. (Reserved).
- § 16928. (Reserved).
- § 16929. (Reserved).
- § 16930. Purchase, location, construction, operation and maintenance authorized.
- § 16931. Contracts or lease for special use of improvements.
- § 16932. Taking street or other property of municipal corporation.
- § 16933. (Reserved).
- § 16934. (Reserved).
- § 16935. (Reserved).
- § 16936. (Reserved).
- § 16937. (Reserved).
- § 16938. (Reserved).
- § 16939. (Reserved).
- § 16940. (Reserved).
- § 16941. (Reserved).
- § 16942. (Reserved).
- § 16943. (Reserved).
- § 16944. (Reserved).
- § 16945. (Reserved).

Subchapter B. Vacation as County Roads

- § 16950. Vacation as county roads.

Subchapter C. Continuous Highways from One County to Another

§ 16953. Laying out, altering and vacating.

Subchapter D. County Aid to Municipalities and Townships

- § 16956. Municipal streets connecting two ends of county road.
- § 16957. Municipal streets as terminus of county road.
- § 16958. Improvements.
- § 16959. Maintenance.
- § 16960. Contracts with municipal corporations.
- § 16961. (Reserved).
- § 16962. (Reserved).
- § 16963. Center line highway boundary between city or borough and township.
- § 16964. (Reserved).
- § 16965. Center line road boundary between city or borough and township in adjoining county.
- § 16966. (Reserved).
- § 16967. Improvement on order of common pleas.
- § 16968. (Reserved).
- § 16969. Improvements of roads connecting with State highway.
- § 16970. Purchase and rental of road equipment to municipal corporations.

Subchapter E. Detours

- § 16975. County road detours.
- § 16976. Detour over private lands.
- § 16977. Fines and damages.

Subchapter F. Protection of Roads

- § 16981. (Reserved).
- § 16982. (Reserved).
- § 16983. (Reserved).
- § 16984. (Reserved).
- § 16985. Sign destruction penalties.
- § 16986. Snow fences.
- § 16987. Elimination of dangerous curves and widening of narrow roads.

Chapter 171. Southwestern Pennsylvania Regional Renaissance Initiative

Subchapter A. Preliminary Provisions

- § 17111. Scope of chapter.
- § 17112. Findings and declaration of policy.
- § 17113. Definitions.

Subchapter B. Regional Growth Fund

- § 17121. Establishment of Regional Growth Fund.
- § 17122. Use of Regional Growth Fund.

Subchapter C. Regional Renaissance Authority

- § 17131. Authority established.
- § 17132. Board of authority.
- § 17133. Purposes and powers.
- § 17134. Fiscal matters.
- § 17135. Initial financial plan.

- § 17136. Capital budgets.
- § 17137. Operating budget.
- § 17138. Restrictions upon activities of board members and employees.
- § 17139. Exemption from taxation.

Subchapter D. Bonds and Funds of Authority

- § 17141. Bonds.
- § 17142. Governmental immunity.
- § 17143. Money of authority.
- § 17144. Transfer of money.

Subchapter E. Additional Sales and Use Taxes

- § 17151. Construction of subchapter.
- § 17152. Imposition of additional sales and use taxes.
- § 17153. Situs.
- § 17154. Referenda levying additional taxes.
- § 17155. Licenses.
- § 17156. Rules and regulations.
- § 17157. Collection costs.

Subchapter F. Increase in Hotel Tax

- § 17161. Increase in rate of hotel tax in central county.
- § 17162. Southwestern Pennsylvania Convention Center Design Commission.
- § 17163. Restrictions of design commission members and employees.
- § 17164. Design of convention center.

Subchapter G. Regional Destination Facilities Fund

- § 17171. Establishment of Regional Destination Facilities Fund.
- § 17172. Use of Regional Destination Facilities Fund.

Subchapter H. Conveyance of David L. Lawrence Convention Center

- § 17181. Conveyance of convention center.

Chapter 173. Third Class County Convention Center Authorities

Subchapter A. Third Class County Convention Center Authorities

- § 17301. Scope of subchapter.
- § 17302. Findings, declaration of policy and scope.
- § 17303. Definitions.
- § 17304. Authority creation.
- § 17305. Purposes and powers in general.
- § 17306. Capital and operating budgets.
- § 17307. Authorization to issue bonds.
- § 17308. Provisions of bonds, trusts, indentures and mortgages.
- § 17309. Remedies of obligee of authority.
- § 17310. Additional remedies conferrable by authority.
- § 17311. Governing board.
- § 17312. Sovereign immunity.
- § 17313. Money of authority.
- § 17314. Transfer of existing facilities or money, making of annual grants and lease payments to authority.

- § 17315. Award of contracts.
- § 17316. Interests of public officers, public employees and party officers.
- § 17317. Acquisition of lands.
- § 17318. Use and operation of convention center.
- § 17319. Limitation of powers.
- § 17320. Exemption from taxation.
- § 17321. Lease by authorities.
- § 17322. Cooperation.
- § 17323. Hotel room rental tax.

**Subchapter B. Third Class County Convention Center
Authorities, Alternative Provisions**

- § 17331. Scope of subchapter.
- § 17332. Findings, declaration of policy and scope.
- § 17333. Definitions.
- § 17334. Authority creation.
- § 17335. Purpose and powers of authorities.
- § 17336. Capital and operating budgets.
- § 17337. Authority to issue bonds.
- § 17338. Provisions of bonds, trusts, indentures and mortgages.
- § 17339. Remedies of obligee of authority.
- § 17340. Additional remedies conferrable by authority.
- § 17341. Governing board.
- § 17342. Sovereign immunity.
- § 17343. Money of authority.
- § 17344. Transfer of existing facilities or money and making of annual grants and lease payments to authority.
- § 17345. Award of contracts.
- § 17346. Interests of public officers, public employees and party officers.
- § 17347. Use and operation of convention center facilities.
- § 17348. Limitation of powers.
- § 17349. Exemption from taxation.
- § 17350. Lease by authorities.
- § 17351. Cooperation.
- § 17352. Hotel room rental tax.
- § 17353. Construction.

Chapter 175. Hotel Tax

- § 17501. Authorization of hotel tax.
- § 17502. Authorization of five percent hotel tax for a county of the third class.
- § 17503. (Reserved).
- § 17504. Authorization of five percent hotel tax for a county of the fifth class.
- § 17505. Hotel room rental tax in certain third class counties.
- § 17506. (Reserved).
- § 17507. Hotel room rental tax in third through eighth class counties.
- § 17508. Certification of recognized tourist promotion agencies.
- § 17509. Hotel room rental tax in second class and second class A counties.

**TITLE 16
COUNTIES**

- I. Preliminary Provisions
- II. Counties of the First Class
- III. Counties of the Second Class
- IV. Counties of the Second Class A through Eighth Class

Enactment. Unless otherwise noted, the provisions of Title 16 were added November 22, 2011, P.L.431, No.106, effective immediately.

PART I
PRELIMINARY PROVISIONS

Chapter

- 1. General Provisions
- 3. Names and Corporate Powers and Classification of Counties
- 5. Fixing and Relocating Lines and Boundaries
- 11. General Provisions

Enactment. Part I (Reserved) was added November 22, 2011, P.L.431, No.106, effective immediately.

Part Heading. The heading of Part I was amended May 8, 2024, P.L.50, No.14, effective in 60 days.

Special Provisions in Appendix. See section 6(1) and (2) of Act 14 of 2024 in the appendix to this title for special provisions relating to continuation of prior law.

CHAPTER 1
GENERAL PROVISIONS

Sec.

- 101. Scope of title.
- 102. Applicability.
- 102.1. Definitions.
- 103. Excluded provisions.
- 104. Saving clause.
- 105. Holding of office.
- 106. Construction of references.
- 107. Constitutional construction.
- 108. Legislation according to class.
- 108.1. (Reserved).

Enactment. Chapter 1 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 101. Scope of title.

This title relates to counties.

§ 102. Applicability.

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

- (1) Section 108 (relating to legislation according to class).
- (2) Sections 301 (relating to enumeration of counties), 310 (relating to counties divided into nine classes) and 311 (relating to ascertainment, certification and effect of change of class).
- (3) Subchapter B of Chapter 11 (relating to required fiscal security for officers and employees).
- (4) Part II (relating to counties of the first class).
- (5) Part III (relating to counties of the second class).
- (6) Chapter 139 (relating to coroner).
- (7) Section 14301 (relating to district attorney, qualifications, eligibility and compensation) or section

17509 (relating to hotel room rental tax in second class and second class A counties).

(8) Chapter 171 (relating to southwestern Pennsylvania regional renaissance initiative).

(9) Chapter 173 (relating to third class county convention center authorities).

§ 102.1. Definitions.

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

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

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

"Municipality." A municipal corporation or county.

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

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

§ 103. Excluded provisions.

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

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

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

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

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

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

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

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

(8) Any law relating to State highways.

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

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

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

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

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

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

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

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

- (17) Any temporary law.
- (18) Any amendment or supplement of any of the laws referred to in this section.
- (19) 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).
- (20) 66 Pa.C.S. Pt. I (relating to public utility code).

§ 104. Saving clause.

(a) Continuation.--This title, as far as the provisions of this title are the same as the provisions of laws in existence on January 1, 1956, shall be construed as a continuation of the laws and not as a new enactment. The repeal by the County Code of any provisions of law may not revive any law repealed or superseded prior to January 1, 1956, nor affect the existence or class of any county created prior to January 1, 1956. This title may 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 the repealed laws.

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

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

(d) Second Class County Code.--This title shall be considered a continuation of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, as it pertains to second class A counties, except where otherwise expressly provided. The repeal of the Second Class County Code as it relates to second class A counties by former section 3901 of the County Code may not be construed as modifying or repealing any term of office, power, ordinance, rule or regulation of home rule counties or counties of the second class A existing on December 24, 2018.

§ 105. Holding of office.

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

§ 106. Construction of references.

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

§ 107. Constitutional construction.

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

§ 108. Legislation according to class.

The affairs of counties shall be legislated for and regulated by general laws, applicable to each county, or to particular

classes, as fixed and appointed by this title. Each law adopted by the General Assembly for one or more of the classes fixed and appointed by this title shall be deemed to be general laws.

Cross References. Section 108 is referred to in section 102 of this title.

§ 108.1. (Reserved).

CHAPTER 3

NAMES AND CORPORATE POWERS AND CLASSIFICATION OF COUNTIES

Subchapter

- A. Division of Commonwealth into Counties and Corporate Powers
- B. Classification

Enactment. Chapter 3 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A

DIVISION OF COMMONWEALTH INTO COUNTIES AND CORPORATE POWERS

Sec.

301. Enumeration of counties.

§ 301. Enumeration of counties.

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

Cross References. Section 301 is referred to in section 102 of this title.

SUBCHAPTER B

CLASSIFICATION

Sec.

310. Counties divided into nine classes.

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

§ 310. Counties divided into nine classes.

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

- (1) First class counties, having a population of at least 1,500,000 inhabitants.
- (2) Second class counties, having a population of at least 1,000,000 but less than 1,500,000 inhabitants.
- (3) Second class A counties, having a population of at least 500,000 but less than 1,000,000 inhabitants.

(4) The following shall apply:

(i) Third class counties, having a population of at least 210,000 but less than 500,000 inhabitants.

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

(5) Fourth class counties, having a population of at least 145,000 but less than 210,000 inhabitants.

(6) Fifth class counties, having a population of at least 90,000 but less than 145,000 inhabitants.

(7) Sixth class counties, having:

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

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

(8) Seventh class counties, having:

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

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

(9) Eighth class counties, having a population of less than 20,000 inhabitants.

Cross References. Section 310 is referred to in sections 102, 311 of this title.

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

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

(b) Certification.--

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

(i) that a Federal decennial census shows that a county has attained a population entitling the county to an advance in classification; or

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

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

(c) Intent.--It is recognized that a change in the form of local government is attended by certain expense and hardship and the change should not be occasioned by a temporary fluctuation in population. Therefore, it is the intent of this section that the classification of a county may not be changed

because its population has decreased at the time of one Federal decennial census, but rather only after the change is demonstrated by two Federal decennial censuses that the population of a county has remained below the minimum figure of its class for at least a decade.

(d) Change in class.--

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

(2) In the municipal election following the certification of change of class and preceding the effective date of the change, the proper number of individuals shall be elected to fill an elective office which will exist in the county by the change of classification certified. An election may not be held for an office which will be abolished as a result of a change of classification.

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

Cross References. Section 311 is referred to in section 102 of this title.

CHAPTER 5

FIXING AND RELOCATING LINES AND BOUNDARIES

Sec.

- 501. Petition to Commonwealth Court.
- 502. Commonwealth Court designation of neutral court and appointment of commission.
- 503. Compensation, assistants and expenses.
- 504. Oath, organization and duties.
- 505. Authority to fix undetermined county line.
- 506. Report of boundary commission, approval by court and certification of line.

Enactment. Chapter 5 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 501. Petition to Commonwealth Court.

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

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

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

(a) Designation.--The court, upon the filing of the 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 designated court shall sit in the court's home county.

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

Cross References. Section 502 is referred to in section 503 of this title.

§ 503. Compensation, assistants and expenses.

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

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

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

§ 504. Oath, organization and duties.

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

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

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

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

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

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

§ 505. Authority to fix undetermined county line.

(a) Recommendations.--If the boundary commission cannot determine, ascertain or locate the existing county line, the commission shall report to the court of common pleas with a recommendation that a new county line be established in whole or in part.

(b) Establishing new lines.--If the court deems establishment of a new line necessary, the court shall direct

the boundary commission to fix and determine a new county line, to mark the new county line with permanent monuments and to prepare a report in accordance with section 506 (relating to report of boundary commission, approval by court and certification of line).

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

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

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

(c) Notice.--Written notice shall be given by the boundary commission to the affected counties and to the owners of each land that will be affected by the proposed change of the date the report containing the recommendation of the boundary commission will be considered by the court.

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

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

- (1) Secretary of Community and Economic Development;
- (2) Secretary of Conservation and Natural Resources;

and

- (3) Secretary of Transportation.

Cross References. Section 506 is referred to in section 505 of this title.

CHAPTER 11
GENERAL PROVISIONS

Subchapter

- A. (Reserved)
- B. Required Fiscal Security for Officers and Employees

Enactment. Chapter 11 was repealed and added May 8, 2024, P.L.50, No.14, effective in 60 days.

Prior Provisions. Former Chapter 11, which related to the same subject matter, was added November 22, 2011, P.L.431, No.106, and repealed May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
(Reserved)

SUBCHAPTER B
REQUIRED FISCAL SECURITY FOR OFFICERS AND EMPLOYEES

Sec.

- 1121. Short title and scope of subchapter.
- 1122. Definitions.
- 1123. Required security.
- 1124. Official security and officers.
- 1125. Other county officers and employees.
- 1126. County officers and employees acting as agents.
- 1127. Bonds or blanket bond as security coverage.
- 1128. Insurance as security coverage.
- 1129. Form of required security.
- 1130. Amount of coverage.
- 1131. Custody and filing of required security documents.
- 1132. Payment of premiums and commissions on collections.
- 1133. Other requirements, references and approvals.

Cross References. Subchapter B is referred to in sections 102, 12315 of this title.

§ 1121. Short title and scope of subchapter.

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

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

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

§ 1122. Definitions.

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

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

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

- (1) for county officers and employees as a comprehensive group;
 - (2) for a group of named county officers and employees;
- or
- (3) for county officers and employees in scheduled positions.

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

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

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

"Crime-fidelity insurance." Insurance that is endorsed with faithful performance of duty coverage and which insures, at a minimum, against events of loss of money or other property resulting from one or more fraudulent or dishonest acts, including, but not limited to, embezzlement, theft, forgery, similar acts of dishonesty or fraud by a county officer or employee acting alone or in collusion with others, or from a breach of fiduciary duty or a failure of a county officer or employee to perform faithfully the officer's or employee's duties or to account properly for all money and property received or held by virtue of the officer's or employee's office or employment.

"Governing authority." Includes:

- (1) The Supreme Court.
- (2) Any agency or unit of the unified judicial system exercising a power or performing a duty under 42 Pa.C.S. § 1721 (relating to delegation of powers).

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

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

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

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

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

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

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

"Security coverage." A bond, a blanket bond or a crime-fidelity insurance policy, which is endorsed with faithful performance of duty coverage, provided in compliance with this subchapter for the purpose of protecting against the loss of money and other property sustained as a result of one or more fraudulent or dishonest acts, including, but not limited to, embezzlement, theft, forgery, similar acts of dishonesty or fraud by a county officer or employee acting alone or in

collusion with others, or from a breach of fiduciary duty or a failure of a county officer or employee to perform faithfully the officer's or employee's duties or to account properly for all money and property received by virtue of the officer's or employee's position or employment.

§ 1123. Required security.

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

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

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

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

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

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

(d) Primary liability.--

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

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

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

§ 1124. Official security and officers.

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

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

(1) Each county commissioner.

(2) The chief clerk of the county commissioners.

(3) The controller.

(4) The county treasurer.

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

(6) The sheriff.

- (7) The coroner.
- (8) The clerk of the courts of the court of common pleas.
- (9) The clerk of the orphans' court division of the court of common pleas.
- (10) The recorder of deeds.
- (11) The register of wills.
- (12) Probation and parole officers, if required by order of court to obtain official security.
- (13) The fire marshal and deputy fire marshals, if required by law to obtain official security.
- (14) The secretary of the board of health and the health officer in a county in which the secretary is required by law to obtain official security.

§ 1125. Other county officers and employees.

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

§ 1126. County officers and employees acting as agents.

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

§ 1127. Bonds or blanket bond as security coverage.

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

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

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

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

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

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

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

(4) The county, the Commonwealth, a political subdivision or other listed obligees or insureds, as the case may be, may sue upon the bond in its name or for its own use. Acts of the General Assembly pertaining to actions and limitations of actions upon official bonds given to the Commonwealth shall apply to the bonds provided for in this

subchapter just as if they were given to the Commonwealth, except as otherwise specifically provided in this subchapter.

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

§ 1128. Insurance as security coverage.

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

§ 1129. Form of required security.

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

§ 1130. Amount of coverage.

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

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

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

§ 1131. Custody and filing of required security documents.

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

(b) Department of State filing.--

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

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

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

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

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

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

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

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

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

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

§ 1132. Payment of premiums and commissions on collections.

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

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

§ 1133. Other requirements, references and approvals.

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

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

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

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

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

PART II

COUNTIES OF THE FIRST CLASS

Chapter

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

Enactment. Part II was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Prior Provisions. Former Part II (Reserved), which related to creation, alteration and functions, was added November 22, 2011, P.L.431, No.106, and repealed May 8, 2024, P.L.50, No.14, effective in 60 days.

Special Provisions in Appendix. See section 6(1) and (2) of Act 14 of 2024 in the appendix to this title for special provisions relating to continuation of prior law.

CHAPTER 21

(Reserved)

Enactment. Chapter 21 (Reserved) was added May 8, 2024, P.L.50, No.14, effective in 60 days.

CHAPTER 23

VEHICLE RENTAL TAX

Sec.

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

Enactment. Chapter 23 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

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

(a) **Authorization.**--Notwithstanding any provision of this title or any other law, each county of the first class may 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 the county, if any, shall be by the city. The tax may be imposed on a person renting a rental vehicle at a rate of up to 2% of the purchase price of the rental.

(b) **Proceeds.**--

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

(2) The Commonwealth pledges to and agrees 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 will not repeal this authorization or reduce the rate of tax authorized under this section until each of the bonds and the interest on the bonds have been paid or provision for the payment has been made.

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

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

(c) **Collection.**--The vehicle rental tax shall be collected by each vehicle rental company in the county or city of the first class imposing the tax. The tax shall be collected at the time the rental vehicle is rented by the vehicle rental company and shall be remitted by the vehicle rental company to the county or city of the first class that imposed the tax in accordance with rules and regulations established by the county or city or the tax collection agencies of the county or city for collection and remittance of the tax. A person required to collect or pay over the tax authorized under this section and who fails to collect or pay over the tax shall be liable for the full amount of the tax, including interest or penalties which may be imposed by a county or city of the first class.

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

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

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

"Rental vehicle." Any of the following:

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

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

(i) rented without a driver;

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

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

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

PART III

COUNTIES OF THE SECOND CLASS

Subpart

A. General Provisions (Repealed)

Enactment. Part III was added May 8, 2024, P.L.50, No.14, effective in 50 days.

Prior Provisions. Former Part III, which related to government and administration, was added November 22, 2011, P.L.431, No.106, and repealed May 8, 2024, P.L.50, No.14, effective in 60 days.

Special Provisions in Appendix. See section 6(1) and (2) of Act 14 of 2024 in the appendix to this title for special provisions relating to continuation of prior law.

SUBPART A

GENERAL PROVISIONS

(Repealed)

Chapter

71. (Reserved)

73. Salaries

2024 Repeal. Former Subpart A, which related to general provisions, was added November 22, 2011, P.L.431, No.106, and repealed May 8, 2024, P.L.50, No.14, effective in 60 days.

CHAPTER 71

(Reserved)

Enactment. Chapter 71 (Reserved) was added May 8, 2024, P.L.50, No.14, effective in 60 days.

CHAPTER 73

SALARIES

Sec.

7301. Salary of solicitor and costs.

Enactment. Chapter 73 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 7301. Salary of solicitor and costs.

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

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

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

PART IV

COUNTIES OF THE SECOND CLASS A THROUGH EIGHTH CLASS

Chapter

- 121. General Provisions
- 123. County Officers
- 125. County Commissioners and Chief Clerks
- 127. Controller
- 129. Auditors
- 131. Treasurer
- 133. County Solicitor
- 135. Engineer
- 137. Sheriff
- 139. Coroner
- 141. Prothonotary, Clerk of Courts, Clerk of Orphans' Court, Register of Wills and Recorder of Deeds
- 143. District Attorney, Assistants and Detectives
- 145. Salaries of County Officers
- 147. Fees of Salaried County Officers and Salary Boards
- 149. Fiscal Affairs
- 151. Contracts
- 153. Special Powers and Duties of Counties
- 155. Military and Veterans Affairs
- 157. Public Health
- 159. Aeronautics and Transportation
- 161. Grounds and Buildings
- 163. Eminent Domain and Injury to Property
- 165. Recreation Places
- 167. Bridges, Viaducts and Culverts
- 169. Roads
- 171. Southwestern Pennsylvania Regional Renaissance Initiative
- 173. Third Class County Convention Center Authorities
- 175. Hotel Tax

Enactment. Part IV was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Special Provisions in Appendix. See section 6(1) and (2) of Act 14 of 2024 in the appendix to this title for special provisions relating to continuation of prior law.

CHAPTER 121

GENERAL PROVISIONS

Sec.

- 12101. Scope of part.
- 12102. (Reserved).
- 12103. Proceedings for recovery of penalties.
- 12104. Collection of tax and municipal claims by suit and limitations.
- 12105. Publication of legal notices.
- 12106. General powers.
- 12107. Vesting of corporate power.

Enactment. Chapter 121 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 12101. Scope of part.

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

§ 12102. (Reserved).

§ 12103. Proceedings for recovery of penalties.

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

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

(a) Proceedings.--In addition to the remedies provided by law for the collection of tax and municipal claims, a county may proceed for the recovery and collection of a tax or municipal claim owed to the county against each owner of the property owing the tax or municipal claim to the county by a civil action or other appropriate remedy. A penalty of 10% and interest at the prevailing legal rate and costs of suit shall be added to each judgment obtained for the taxes or municipal claim. Upon judgment, execution may be issued without a stay or benefit of an exemption law.

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

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

- (1) The date a tax is due.
- (2) The date of completion of an improvement from which the claim arises.
- (3) The date that the property owner first became liable for payment of a claim other than that for taxes or improvements.

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

§ 12105. Publication of legal notices.

(a) Publication.--

- (1) Except as provided under paragraph (2), if advertisement, notice or publication is required to be published in one newspaper, the publication shall be made in a newspaper of general circulation as defined in 45

Pa.C.S. § 101 (relating to definitions) printed in the county.

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

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

(b) Legal newspaper.--If a notice under subsection (a) relates to a proceeding or matter in a court, the holding of an election for the increase of indebtedness or the issue and sale of bonds to be paid by taxation, the 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 the publication is dispensed with by special order of court. Each ordinance, auditor report, controller report or advertisement, inviting proposal for public contract and bid for materials and supplies shall be published only in newspapers of general circulation.

§ 12106. General powers.

Each county shall have capacity as a body corporate to:

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

§ 12107. Vesting of corporate power.

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

CHAPTER 123
COUNTY OFFICERS

Subchapter

- A. General Provisions
- B. (Reserved)
- C. State Associations
- D. Removal of County Officers
- E. Conduct of Official Business

Enactment. Chapter 123 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 12301. Elected officers.
- 12302. Incompatible offices.
- 12303. Oath of office.
- 12303.1. (Reserved).
- 12304. Recorded commissions.
- 12305. Location of offices, records and papers.
- 12306. Open records.
- 12307. Securing from predecessors.
- 12308. Action by deputies.
- 12309. Vacancies.
- 12310. Information to heads of governmental departments.
- 12311. Penalty.
- 12312. (Reserved).
- 12313. Qualifications.
- 12314. Mileage.
- 12315. Security.
- 12316. Solicitors to county officers other than county commissioners.

§ 12301. Elected officers.

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

- (1) Three county commissioners.
- (2) Three auditors or, in counties of the second class A and in each county in which the office of auditor has been or shall 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 common pleas.
- (8) Except in counties of the second class A, one clerk of the orphans' court.
- (9) One register of wills, who, in counties of the second class A, shall serve as clerk of the orphan's court.
- (10) One sheriff.
- (11) One district attorney.
- (12) Two jury commissioners, except in counties in which the office of jury commissioner has been abolished.

(b) Term.--

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

(2) If an elected officer, except a county commissioner or auditor, fails to qualify or if a successor is not elected, 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 under section 12309 (relating to vacancies) or until the first Monday in January following the next municipal election, whichever period is shorter. For a county commissioner or auditor, a vacancy shall exist which shall be filled as provided under this part.

(c) Second class A.--If an officer in a county of the second class A, other than a county commissioner, fails to qualify or if no successor is elected, the officer then in office shall continue in office only until the first Monday in January

following the next municipal election, at which time a successor shall be elected for a term of four years.

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

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

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

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

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

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

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

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

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

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

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

(f) Jury commissioner abolishment by resolution.--The office of jury commissioner may be abolished in a county of the third class having a population under the 2000 Federal 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.

(g) Jury commissioner abolition.--After review of the procedures in effect within the county to ensure that lists of potential jurors are a representative cross section of the community, the governing body of a county of the second class A, third, fourth, fifth, sixth, seventh or eighth class may adopt, 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.

Cross References. Section 12301 is referred to in section 12308 of this title.

§ 12302. Incompatible offices.

(a) Legislative member, school director or board of health member.--An elected county officer or, in counties of the third,

fourth, fifth, sixth, seventh and eighth class, county solicitor, if the county solicitor is an individual, may not, at the same time, serve as:

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

(2) A school director of a school district.

(3) A member of a board of health.

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

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

§ 12303. Oath of office.

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

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

§ 12303.1. (Reserved).

§ 12304. Recorded commissions.

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

§ 12305. Location of offices, records and papers.

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

(b) Storage.--

(1) The county commissioners may keep and maintain records and contract with persons for storage, retrieval and 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 officer in charge of the office to which the records belong. The approval of the president judge shall be required if records are in the custody of agencies of the court of common pleas, the clerk of courts, the prothonotary, the register of wills or the clerk of the orphans' court. Public records stored outside of the county seat shall be made accessible to the general

public at the county seat by an electronic means or facility which will permit the retrieval of the records or exact copies of the records within five business days.

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

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

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

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

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

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

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

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

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

§ 12306. Open records.

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

§ 12307. Securing from predecessors.

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

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

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

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

§ 12308. Action by deputies.

(a) Appointment.--

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

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

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

§ 12309. Vacancies.

(a) Appointment by Governor.--

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

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

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

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

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

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 12309 is referred to in section 12301 of this title.

§ 12310. Information to heads of governmental departments.

(a) Duty.--

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

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

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

§ 12311. Penalty.

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

§ 12312. (Reserved).

§ 12313. Qualifications.

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

- (1) at least 18 years of age;
- (2) a citizen of the United States;
- (3) a resident of the county; and
- (4) has resided within the county for at least the directly preceding year prior to the election.

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

§ 12314. Mileage.

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

§ 12315. Security.

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

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

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

- (1) The county treasurer.
- (2) The sheriff.
- (3) The register of wills.
- (4) The recorder of deeds.
- (5) The coroner.
- (6) The controller or auditors, as appropriate.

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

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

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

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

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

STATE ASSOCIATIONS

Sec.

12340. State associations.

12341. Purpose and annual meetings.

12342. Deputies and solicitors.

12343. Expenses and time limits.

12344. Other meeting expenses.

12345. Annual assessments.

12346. Associations and organizations concerned with governmental affairs.

§ 12340. State associations.

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

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

(2) County controllers.

(3) Sheriffs.

(4) District attorneys.

(5) Probation officers.

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

(7) Prothonotaries and clerks of courts.

(8) County treasurers.

(9) Recorders of deeds.

(10) Directors of veterans' affairs.

(11) Coroners.

(12) Jury commissioners.

(13) County auditors.

(14) Public defenders.

Cross References. Section 12340 is referred to in section 12341 of this title.

§ 12341. Purpose and annual meetings.

(a) **Purpose.**--The purpose of the respective State associations under section 12340 (relating to 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 the officer's offices.

(b) **Annual meeting.**--Each State association may hold an annual meeting at a time and place within this Commonwealth designated by the association to facilitate cooperation,

coordination and full exchange of information provided under subsection (a).

(c) Joint session.--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 the associations mutually agree. Each association shall have a separate session on at least two days during the annual meeting to facilitate cooperation, coordination and full exchange of information provided under subsection (a).

§ 12342. Deputies and solicitors.

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

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

§ 12343. Expenses and time limits.

(a) Elected officers.--

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

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

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

(b) Nonelected officers and employees.--

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

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

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

(c) Account and payment.--

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

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

(3) The actual expenses for elected officers shall be paid and for nonelected officers may be paid for the number

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

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

(d) Time limit.--

(1) The annual meeting of:

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

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

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

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

§ 12344. Other meeting expenses.

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

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

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

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

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

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

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

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

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

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

§ 12345. Annual assessments.

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

(b) District attorneys.--In addition to the expenses authorized under this subchapter, the necessary expenses of the association of district attorneys shall be apportioned among

each county holding membership in the association in amounts provided for by the rules and regulations of the association.

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

§ 12346. Associations and organizations concerned with governmental affairs.

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

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

(2) Pay dues to the associations and organizations.

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

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

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

Cross References. Section 12346 is referred to in section 15780 of this title.

SUBCHAPTER D
REMOVAL OF COUNTY OFFICERS

Sec.

12350. Removal of county officers and appointees.

§ 12350. Removal of county officers and appointees.

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

(1) 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

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

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

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

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

SUBCHAPTER E

CONDUCT OF OFFICIAL BUSINESS

Sec.

12360. Meetings open to public.

§ 12360. Meetings open to public.

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

CHAPTER 125

COUNTY COMMISSIONERS AND CHIEF CLERKS

Subchapter

- A. County Commissioners
- B. Chief Clerk of County Commissioners

Enactment. Chapter 125 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A

COUNTY COMMISSIONERS

Sec.

- 12501. Election and vacancies.
- 12502. Organization.
- 12503. Meetings.
- 12504. Quorum and execution of official instruments.
- 12505. Certified copies of proceedings.
- 12506. Oaths.
- 12507. Expenses.
- 12508. Office supplies.
- 12509. Ordinances and resolutions.
- 12510. (Reserved).
- 12511. (Reserved).
- 12512. (Reserved).
- 12513. (Reserved).

§ 12501. Election and vacancies.

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

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

§ 12502. Organization.

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

§ 12503. Meetings.

(a) Rules.--The county commissioners shall adopt rules for the conduct and order of business and establish regular times

and places of meetings. A copy of the rules shall be posted in a conspicuous place in the county courthouse for the benefit of the public.

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

§ 12504. Quorum and execution of official instruments.

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

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

§ 12505. Certified copies of proceedings.

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

§ 12506. Oaths.

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

§ 12507. Expenses.

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

§ 12508. Office supplies.

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

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

Cross References. Section 12508 is referred to in section 15101 of this title.

§ 12509. Ordinances and resolutions.

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

(b) Publication.--

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

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

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

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

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

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

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

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

(1) Prescribe fines and penalties as follows:

(i) Not exceeding \$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.

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

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

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

§ 12510. (Reserved).

§ 12511. (Reserved).

§ 12512. (Reserved).

§ 12513. (Reserved).

SUBCHAPTER B
CHIEF CLERK OF COUNTY COMMISSIONERS

Sec.

12520. Chief clerk.

12521. Duties and powers of chief clerk.

§ 12520. Chief clerk.

The county commissioners shall appoint a chief clerk.

§ 12521. Duties and powers of chief clerk.

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

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

CHAPTER 127
CONTROLLER

Sec.

12701. Election, term and seal.

12702. Eligibility.

12703. Deputy controller and clerks.

12704. (Reserved).

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

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

12707. Expenses.

Enactment. Chapter 127 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 12701. Election, term and seal.

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

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

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

§ 12702. Eligibility.

(a) **Office holders.**--An individual holding office under the United States shall not be eligible to the office of county

controller while in office and for one year after leaving office.

(b) Local office holders.--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.

§ 12703. Deputy controller and clerks.

(a) Appointments.--

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

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

(3) A controller may authorize one or more of the clerks employed in the controller's office to administer to all 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) Second deputy controller.--A controller may appoint a second deputy controller who shall possess and discharge all the rights, powers and duties of the principal deputy controller during the principal deputy controller's and the controller's temporary absence.

§ 12704. (Reserved).

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

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

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

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

Cross References. Section 12705 is referred to in section 12706 of this title.

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

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

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

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

§ 12707. Expenses.

The county controller and the county controller's 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.

CHAPTER 129
AUDITORS

Sec.

- 12901. Election and vacancies.
- 12902. Eligibility.
- 12903. Meetings and quorum.
- 12904. (Reserved).

Enactment. Chapter 129 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 12901. Election and vacancies.

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

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

§ 12902. Eligibility.

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

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

§ 12903. Meetings and quorum.

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

(b) Deadline.--The auditors shall meet as necessary for the completion of the audit under subsection (a) by the following July 1. The auditors may petition the court of common pleas for

additional time for the completion of the audit and the filing of the report. The court, upon a showing of due cause, shall grant additional time as the court deems necessary for completion of the audit and report.

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

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

§ 12904. (Reserved).

CHAPTER 131

TREASURER

Sec.

13101. County treasurer and eligibility.

13102. (Reserved).

13103. (Reserved).

13104. (Reserved).

13105. Misapplication of money collected for specific purposes.

13106. Deputy treasurer.

13106.1. Second deputy treasurer.

13107. (Reserved).

Enactment. Chapter 131 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 13101. County treasurer and 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.

§ 13102. (Reserved).

§ 13103. (Reserved).

§ 13104. (Reserved).

§ 13105. Misapplication of money collected for specific purposes.

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

§ 13106. Deputy treasurer.

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

§ 13106.1. Second deputy treasurer.

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

§ 13107. (Reserved).

CHAPTER 133
COUNTY SOLICITOR

Sec.

- 13301. Appointment and qualifications.
- 13302. Duties.
- 13303. Employees in certain counties.
- 13304. Assistant county solicitors.

Enactment. Chapter 133 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 13301. Appointment and qualifications.

The county commissioners shall appoint a county solicitor. The county solicitor shall be an attorney at law admitted to practice in the courts of this Commonwealth and may be an individual, a law firm, a partnership, an association or a professional corporation. Before entering upon the duties of office, the county solicitor shall file with the county commissioners an agreement to pay all fees, attorney fees and commissions received from every source as county solicitor into the county treasury.

§ 13302. Duties.

The county solicitor shall have the following duties:

- (1) Commence and prosecute each suit brought, or to be brought, by the county when the rights, privileges, properties, claims or demands of the county are involved.
- (2) Defend all actions or suits brought against the county.
- (3) Perform all duties now enjoined by law upon county solicitors.
- (4) Act professionally and render legal advice incident to the office which may be required of the county solicitor by the county commissioners.

§ 13303. Employees in certain counties.

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

§ 13304. Assistant county solicitors.

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

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

CHAPTER 135
ENGINEER

Sec.

- 13501. County engineer, appointment and term.
- 13502. Duties.

Enactment. Chapter 135 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 13501. County engineer, appointment and term.

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

§ 13502. Duties.

The county engineer shall have the following duties:

- (1) Prepare plans, specifications and estimates of all engineering work undertaken by the county.
- (2) As necessary, furnish the county commissioners with reports, information or estimates on work.
- (3) In general, perform all duties with reference to any county engineering work as the county commissioners may prescribe.
- (4) Perform all duties relating to surveying as may be assigned by the county commissioners or by law.

CHAPTER 137
SHERIFF

Sec.

13701. Unfinished business of outgoing sheriff.
13702. Deputy action authorized.
13703. Chief deputy and petition.
13704. Real estate deputies.
13705. Deputies and clerks.
13706. Deputy sheriff's qualifications.
13707. False statements in deputy's affidavit.
13708. Filed items and public records.
13709. Public list of applicants for deputy sheriff.
13710. Private services, gifts and payments prohibited.
13711. Penalties.
13712. Construction.
13713. Chief deputy sheriff to act as sheriff in case of vacancy.
13714. Sheriff to keep docket.
13715. Not to exercise office until commission granted and recorded and penalty.

Enactment. Chapter 137 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 13701. Unfinished business of outgoing sheriff.

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

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

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

§ 13702. Deputy action authorized.

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

§ 13703. Chief deputy and petition.

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

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

§ 13704. Real estate deputies.

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

§ 13705. Deputies and clerks.

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

§ 13706. Deputy sheriff's qualifications.

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

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

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

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

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

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

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

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

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

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

(b) Limitation.--An individual may not be appointed or receive compensation as chief deputy or any other deputy except in accordance with 44 Pa.C.S. Ch. 74 Subch. C (relating to sheriff and deputy sheriff education and training).

Cross References. Section 13706 is referred to in sections 13707, 13708, 13711, 13712 of this title.

§ 13707. False statements in deputy's affidavit.

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

§ 13708. Filed items and public records.

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

§ 13709. Public list of applicants for deputy sheriff.

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

Cross References. Section 13709 is referred to in section 13711 of this title.

§ 13710. Private services, gifts and payments prohibited.

(a) Services, gifts and payments.--

(1) A sheriff, deputy sheriff, detective or other county police officer may not perform, directly or indirectly, any official services or official duties for an individual, association or corporation. A sheriff, deputy sheriff, detective or other county police officer may not receive,

directly or indirectly, compensation, gifts or gratuities from a person, association or corporation during the period of official services. Nothing in this paragraph shall be construed to prohibit county officers from serving writs and other legal process as authorized by law.

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

(b) Firearms and military supplies.--

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

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

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

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

Cross References. Section 13710 is referred to in sections 13711, 13712 of this title.

§ 13711. Penalties.

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

§ 13712. Construction.

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

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

- (i) Night watchmen.
- (ii) Railroad police.
- (iii) Bank police.
- (iv) Payroll police.

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

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

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

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

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

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

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

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

Cross References. Section 13713 is referred to in section 13703 of this title.

§ 13714. Sheriff to keep docket.

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

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

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

CHAPTER 139

CORONER

Subchapter

- A. Preliminary Provisions
- B. General Provisions
- C. Fees and Cost Recovery

Enactment. Chapter 139 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 139 is referred to in section 102 of this title.

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

13901. Applicability.

13902. Definitions.

§ 13901. Applicability.

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

§ 13902. Definitions.

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

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

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

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

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

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

(ii) Any other specimen.

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

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

SUBCHAPTER B
GENERAL PROVISIONS

Sec.

- 13911. Deputies.
- 13912. Duties regarding county morgues.
- 13913. Removal of bodies to morgue.
- 13914. Removal of body, burial and vehicle.
- 13915. Unclaimed property and sales.
- 13916. Private morgue.
- 13917. Requests for examinations and reports.
- 13918. Coroner's investigation.
- 13919. Autopsy, inquest and records.
- 13920. Child deaths.
- 13921. Sudden death.
- 13922. Prohibition on moving a body.
- 13923. Release of coroner's jurisdiction.
- 13924. Cooperation with district attorney.
- 13925. Cooperation with other counties.
- 13926. Certificate of cause of death.
- 13927. Subpoena and attachment.
- 13928. Jury.
- 13929. Oaths.
- 13930. Commitment to county prison.
- 13931. Excluded individuals.
- 13932. Vacancy.
- 13933. Anatomical gifts.

13934. Execution of office.

13935. Records.

§ 13911. Deputies.

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

§ 13912. Duties regarding county morgues.

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

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

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

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

§ 13913. Removal of bodies to morgue.

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

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

§ 13914. Removal of body, burial and vehicle.

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

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

§ 13915. Unclaimed property and sales.

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

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

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

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

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

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

Cross References. Section 13915 is referred to in section 13951 of this title.

§ 13916. Private morgue.

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

§ 13917. Requests for examinations and reports.

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

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

§ 13918. Coroner's investigation.

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

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

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

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

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

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

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

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

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

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

(10) A sudden and unexplained infant death.

(11) A stillbirth.

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

(1) The cause and manner of the death.

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

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

§ 13919. Autopsy, inquest and records.

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

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

(1) Ascertain the cause of death.

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

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

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

(d) Retention and disposal.--

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

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

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

§ 13920. Child deaths.

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

(b) Investigation.--

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

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

- (ii) Witness interviews.
- (iii) Infant medical history.
- (iv) Biological mother's prenatal history.
- (v) Incident scene investigation.
- (vi) Scene and body diagrams.

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

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

§ 13921. Sudden death.

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

- (1) The death occurs without prior medical attendance by an individual who may lawfully execute a certificate of death in this Commonwealth.
- (2) Within 24 hours of death the decedent:
 - (i) was discharged from medical attendance;
 - (ii) had a change of medical attendance occur; or
 - (iii) had medical attendance and the medical attendant refuses or is unable to certify the cause of death.

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

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

§ 13922. Prohibition on moving a body.

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

- (1) The coroner has conducted an initial investigation of the scene of death, including viewing and photographing the scene in the manner that most fully discloses how the individual died.
- (2) The coroner directs or authorizes the touching of the body and the surroundings of the body except as provided by law or as circumstances may require.

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

§ 13923. Release of coroner's jurisdiction.

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

§ 13924. Cooperation with district attorney.

In the exercise of duties under this chapter, the coroner shall consult with and advise the district attorney as may be

practicable. The district attorney may act as counsel to the coroner in matters relating to inquests.

§ 13925. Cooperation with other counties.

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

§ 13926. Certificate of cause of death.

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

- (1) referred to the coroner by the local registrar of vital statistics under the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953; or
- (2) in which the coroner has jurisdiction and no individual duly authorized by law certifies the cause of death.

§ 13927. Subpoena and attachment.

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

- (1) A death investigation.
- (2) To obtain the attendance of an individual who may be necessary to examine as a witness at an inquest.
- (3) To compel attendance by attachment in a similar manner and extent as a court of common pleas may do in a case pending before the court.
- (4) To compel the production of any of the following:
 - (i) A paper.
 - (ii) A document in any form or media, including a medical and mental health record.
 - (iii) Another object relative to the investigation or inquest.

§ 13928. Jury.

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

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

§ 13929. Oaths.

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

§ 13930. Commitment to county prison.

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

- (1) take an oath or affirmation; or
- (2) answer a question asked by the coroner on the matter of the inquest after having been sworn or affirmed.

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

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

§ 13931. Excluded individuals.

The following apply:

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

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

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

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

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

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

§ 13932. Vacancy.

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

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

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

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

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

§ 13933. 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).

§ 13934. Execution of office.

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

§ 13935. Records.

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

FEES AND COST RECOVERY

Sec.

13951. Disposition costs.

13952. Fees for reports.

§ 13951. Disposition costs.

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

(1) The costs of disposition.

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

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

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

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

§ 13952. Fees for reports.

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

CHAPTER 141

PROTHONOTARY, CLERK OF COURTS, CLERK OF ORPHANS' COURT, REGISTER OF WILLS AND RECORDER OF DEEDS

Sec.

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

14102. Office holders.

14103. Separate judicial districts.

14104. (Reserved).

14105. Appointment of first deputies.

14106. (Reserved).

14107. (Reserved).

14107.1. (Reserved).

14108. (Reserved).

14109. (Reserved).

14110. (Reserved).

14111. (Reserved).

- 14112. Second deputy recorder.
- 14113. Clerks of recorder to administer oaths.
- 14114. (Reserved).
- 14115. (Reserved).
- 14116. (Reserved).

Enactment. Chapter 141 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

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

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

§ 14102. Office holders.

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

(b) Reconfiguration.--

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

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

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

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

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

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

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

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

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

(j) Offices not held.--

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

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

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

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

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

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

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

§ 14103. Separate judicial districts.

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

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

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

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

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

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

(c) Acceptance.--Upon petition of the county commissioners, the acceptance of the provisions of this section shall be exercised by a decree of the court of common pleas of the 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.

Cross References. Section 14103 is referred to in section 14102 of this title.

§ 14104. (Reserved).

§ 14105. **Appointment of first deputies.**

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

§ 14106. (Reserved).

§ 14107. (Reserved).

§ 14107.1. (Reserved).

§ 14108. (Reserved).

§ 14109. (Reserved).

§ 14110. (Reserved).

§ 14111. (Reserved).

§ 14112. **Second deputy recorder.**

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

§ 14113. **Clerks of recorder to administer oaths.**

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

§ 14114. (Reserved).

§ 14115. (Reserved).

§ 14116. (Reserved).

CHAPTER 143

DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES

Subchapter

A. District Attorney

B. Assistant and Acting District Attorneys, Stenographers and Clerks

C. County Detectives

Enactment. Chapter 143 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
DISTRICT ATTORNEY

Sec.

- 14301. District attorney, qualifications, eligibility and compensation.
- 14302. Duties of district attorney and entry of nolle prosequi.
- 14303. Expenses incurred by district attorney.
- 14304. Filling of vacancies.
- 14305. Misconduct of district attorney.
- 14306. District attorney charged with crime.
- 14307. Legal resources for district attorney.
- 14308. Police radio in counties of the third class.
- 14309. Prosecution by private counsel.

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

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

- (1) Be a resident of the county.
- (2) Be at least 25 years of age.
- (3) Be a citizen of the United States.
- (4) Have been admitted to practice as an attorney before the Supreme Court of Pennsylvania for at least one year before taking the oath of office and continually hold an active law license during the period when the individual is in office.
- (5) Have resided in the county for which the district attorney is elected or appointed for one year prior to the election or appointment.

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

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

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

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

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

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

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

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

(1) The county commissioners have, by ordinance, fixed the services of the district attorney at full time. An ordinance under this paragraph 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 Pennsylvania Rules of Appellate Procedure. An order under this paragraph shall take effect 60 days after issuance. An order under this paragraph directing that the office of district attorney be full time shall be made if the president judge of the county court of common pleas 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 exceeds 200 per year.

(ii) The average caseload for homicide cases for the past five years equals or exceeds one per year.

(iii) The county has:

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

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

(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) subject to the alcoholic ignition interlock statutory provision requirements exceeds 30 per year.

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

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

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

(g) Limitations.--

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

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

(3) The district attorney may not engage in 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.

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

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

(j) Professional conduct.--

(1) 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 insofar as the canons apply to salaries, full-time duties and conflicts of interest.

(2) A complaint by a resident of a 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 that a violation has been committed, the Disciplinary Board of the Supreme Court of Pennsylvania shall proceed in the manner prescribed by the rules of the Supreme Court of Pennsylvania and make a recommendation for disciplinary action as the Disciplinary Board of the Supreme Court of Pennsylvania deems advisable. If the Disciplinary Board of the Supreme Court of Pennsylvania deems the violation so grave as to warrant removal from office, the prothonotary of the Supreme Court of Pennsylvania shall transmit its findings to the Speaker of the House of Representatives for the action as the House of Representatives deems appropriate under Article VI of the Constitution of Pennsylvania.

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

Cross References. Section 14301 is referred to in sections 102, 14304 of this title.

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

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

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

§ 14303. Expenses incurred by district attorney.

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

§ 14304. Filling of vacancies.

If a vacancy occurs in the office of district attorney in a county of the second A, third, fourth, fifth, sixth, seventh or eighth class, the judges of the court of common pleas shall, upon a showing that the first assistant district attorney satisfies the requirements of section 14301 (relating to district attorney, qualifications, eligibility and compensation), appoint the first assistant district attorney to fill the office of 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 90 days after the occurrence of the vacancy. If the first assistant district attorney is unwilling or unable to serve or does not satisfy the requirements of section 14301, the judges of the court of common pleas shall fill the vacancy by the appointment of a competent individual who satisfies the requirements of section 14301 to fill the office until the first Monday in January following the next municipal election occurring not less than 90 days after the occurrence of the vacancy.

Cross References. Section 14304 is referred to in section 14301 of this title.

§ 14305. Misconduct of district attorney.

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

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

(b) Notice and probable cause.--

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

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

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

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

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

§ 14306. District attorney charged with crime.

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

§ 14307. Legal resources for district attorney.

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

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

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

§ 14309. Prosecution by private counsel.

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

SUBCHAPTER B

**ASSISTANT AND ACTING DISTRICT ATTORNEYS,
STENOGRAPHERS AND CLERKS**

Sec.

- 14320. Assistant district attorneys.
- 14321. Designation, powers and duties of first assistant.
- 14322. (Reserved).
- 14323. (Reserved).

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

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

14326. Stenographers and clerks.

§ 14320. Assistant district attorneys.

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

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

(c) **Violation and remedy.**--

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

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

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

The following shall apply:

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

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

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

§ 14322. (Reserved).

§ 14323. (Reserved).

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

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

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

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

§ 14326. Stenographers and clerks.

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

SUBCHAPTER C
COUNTY DETECTIVES

Sec.

14340. Appointment, duties and compensation of county detectives.

14341. Appointment of special detective with approval of court.

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

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

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

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

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

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

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

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

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

(d) Powers.--

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

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

(e) Fees and compensation.--

(1) In counties of the second class A, county detectives of every grade and rank may not be entitled to receive fees but shall receive a salary as fixed by the county salary board and necessary travel expenses. Upon verification by affidavit of a detective and approval by the district

attorney, the salary and expenses of the detective shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the controller of the county, who shall order warrants for the amounts according to law.

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

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

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

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

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

CHAPTER 145

SALARIES OF COUNTY OFFICERS

Sec.

14501. Salaries of county officers.

14502. Insurance and other employee benefits.

Enactment. Chapter 145 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 14501. Salaries of county officers.

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

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

§ 14502. Insurance and other employee benefits.

In addition to 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 employee benefits, or payments made in lieu of the benefits, paid in whole or in part by the county, if the plans, benefits or payments are offered generally to employees of the county.

CHAPTER 147

FEEES OF SALARIED COUNTY OFFICERS AND SALARY BOARDS

Subchapter

- A. Fees of Salaried County Officers
- B. Salary Boards
- C. (Reserved)

Enactment. Chapter 147 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 147 is referred to in section 14901.1 of this title.

SUBCHAPTER A
FEES OF SALARIED COUNTY OFFICERS

Sec.

- 14701. Fees belonging to county.
- 14702. System of accounts and fees paid to county treasurer.
- 14703. Penalty for receiving gratuities or percentages.
- 14704. False swearing to county accounts, bills or transcripts.
- 14705. Officers to be paid salaries.
- 14706. (Reserved).
- 14707. Monthly returns.
- 14708. Payment of certain officers.
- 14709. Salaries in lieu of fees.
- 14710. Rights of action and remedies for collection of fees.

§ 14701. Fees belonging to county.

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

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

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

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

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

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

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

(2) Deposit with the county controller or, in counties without a controller, with the county auditors a transcript, in detail, of the officer's system of accounts for the preceding month. The officer shall make oath or affirmation before the county controller or the county auditors if 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 the office, either by the officer, deputies or clerks, during the preceding month that the fees were severally

charged and collected at regular rates and that the officer has not received and is not to receive, for any official services or duty, any other fees than those entered on the transcript.

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

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

Cross References. Section 14702 is referred to in section 14707 of this title.

§ 14703. Penalty for receiving gratuities or percentages.

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

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

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

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

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

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

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

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

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

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

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

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

§ 14705. Officers to be paid salaries.

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

(1) The salaries of each officer, deputy and clerk shall be paid out of the treasury of the county which the officer,

deputy or clerk serve to the extent that the fees collected and paid in by each officer respectively or earned if fees are chargeable upon the county treasury, except as provided in section 14708 (relating to payment of certain officers).

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

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

§ 14706. (Reserved).

§ 14707. Monthly returns.

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

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

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

§ 14708. Payment of certain officers.

The following shall apply:

(1) The following individuals shall be paid weekly, biweekly, semimonthly or monthly, at the discretion of the county commissioners:

(i) The county solicitor.

(ii) County prison warden.

(iii) County commissioners.

(iv) County controller.

(v) County surveyor or engineer.

(vi) County detectives.

(vii) County treasurer.

(viii) Interpreter of courts.

(ix) District attorney and assistants of the district attorney.

(x) In counties of the sixth, seventh and eighth class, all county officers for whom a salary is fixed by law and the deputies, clerks and employees of their respective offices.

(2) The county officers listed under paragraph (1) shall be paid the full amount allowed under law, but all fees and emoluments that may accrue by virtue of an office shall be paid by the officer or employee to the county treasurer as directed by law, and all other officers shall be paid the amounts assigned in accordance with this subchapter.

Cross References. Section 14708 is referred to in section 14705 of this title.

§ 14709. Salaries in lieu of fees.

Except to the extent this section may be inconsistent with any other express provision of this part, the salaries fixed and provided by law for county officers shall be in lieu of money, fees, perquisites or mileage expenses and other

allowances received or allowed to any officer. All money, fees, perquisites or mileage expenses and other allowances, not governed by the exceptions, shall belong to the county and shall be paid into the county treasury, except if required to be paid to the Commonwealth in the manner provided by this subchapter for fees.

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

All rights of action and all other remedies granted or extended to a salaried county officer under this subchapter for the collection of the officer's respective fees are extended and shall inure to the benefit of counties for the collection of all fees and costs that may accrue to counties under the provisions of this subchapter.

SUBCHAPTER B
SALARY BOARDS

Sec.

14720. Salaries and compensation.

14721. Fees.

14722. Salary boards.

14723. Number and compensation of officers, deputies, assistants, clerks and employees and revisions of salary schedules.

14724. (Reserved).

14725. Procedure and action of salary board.

§ 14720. Salaries and compensation.

The salaries and compensation of county officers shall be as provided under law. The salaries and compensation of all appointed officers and employees who are paid from the county treasury shall be fixed by the salary board established under section 14722 (relating to salary boards). The board of county commissioners shall have the sole power and responsibility to represent judges of the court of common pleas in proceedings before the Pennsylvania Labor Relations Board or collective bargaining negotiations involving employees paid from the county treasury, the county and all elected or appointed county officers having employment powers over the affected employees. The powers authorized by the county commissioners under this section shall not affect the hiring, discharging and supervising rights and obligations with respect to employees as may be vested in the judges or other county officers.

§ 14721. Fees.

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

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

(c) Timing of payment.--Fees, mileage and emoluments shall be paid on or before the 10th day of each month unless otherwise required.

§ 14722. Salary boards.

A salary board is created in each county. The following apply:

- (1) The salary board shall consist of the three individual members of the county commissioners and:
 - (i) the county controller; or
 - (ii) for counties without a controller, the county treasurer.
- (2) The chairperson of the county commissioners shall be chairperson of the salary board.

(3) The county controller or county treasurer, as the case may be, shall be secretary of the board.

(4) The salary board shall meet and organize on the first Monday of January of each year.

Cross References. Section 14722 is referred to in section 14720 of this title.

§ 14723. Number and compensation of officers, deputies, assistants, clerks and employees and revisions of salary schedules.

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

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

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

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

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

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

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

(b) Effect of section.--

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

(2) If a salary board fails to fix the number or compensation of an officer, deputy, assistant, clerk or other employee as required under this section, the number and compensation shall continue, as fixed by or in accordance with law with the same effect as though the number and compensation had been fixed by the salary board, but the salary board may fix any number or compensation at a later time and with similar effect.

Cross References. Section 14723 is referred to in sections 13705, 13911 of this title.

§ 14724. (Reserved).

§ 14725. Procedure and action of salary board.

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

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

(c) Attendance by certain judges.--

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

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

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

(1) The decision of a majority of members of the salary board shall govern.

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

SUBCHAPTER C

(Reserved)

CHAPTER 149

FISCAL AFFAIRS

Subchapter

- A. Fiscal Policy and Systems
- B. Accounts, Audits and Reports by Controller or Auditors
- C. Disbursals of County Money
- D. County Treasury and County Depositories
- E. County Taxation, Borrowing and Transfer of Funds
- F. Budgets
- G. Sinking Fund Commission

Enactment. Chapter 149 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A

FISCAL POLICY AND SYSTEMS

Sec.

14901. Functions of county commissioners.

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

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

14902. Functions of controller.

14903. Accounts of officers.

14904. Custody of documents.

14905. Financial records.

14906. Investment of money.

§ 14901. Functions of county commissioners.

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

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

(a) County institution district taxes.--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 of all county and county institution district taxes levied within a third class city and may, in the resolution, vest the county treasurer with the duties and

responsibilities of billing and collecting all the taxes. The resolution shall be adopted by the county, and the city treasurer shall be notified of adoption of the resolution 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) County taxes.--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 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government) or under the former 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 those taxes, and by resolution, vest in the county treasurer the duties and responsibilities of billing and collecting county taxes in those municipalities.

(c) Vacancy in office.--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 employee 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 employee 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.

(d) Duties passing to county treasurer.--Notwithstanding any law to the contrary, if, as a result of a vacancy in the office of elected tax collector in a municipality, the county treasurer is appointed or directed by the county commissioners to bill and collect all county and county institution district taxes within the municipality, the governing body of the municipality and the county commissioners may, by agreement, provide that the county treasurer shall have the duties and responsibilities of billing and collecting all taxes levied by the municipality in accordance with section 4.4 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

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

(f) Compensation.--

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

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

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

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

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

(a) Rental income.--If the owner of residential or commercial real property that is located in a county of the second class A and subject to a claim owed to the county under the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, derives any rental income from the property, the county treasurer shall notify the property owner in writing of the property owner's duty to remit the rental income to the office of the county treasurer. The rent remitted shall be applied to the amount of tax owed to the county, with any interest or penalties due, until the claim is paid in full.

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

§ 14902. Functions of controller.

(a) Duties.--

(1) 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 related accounts and official acts of all officers or other persons who shall collect, receive, hold or disburse or be charged with the management or custody of the public assets of the county. The discretionary powers of the controller shall be applicable to matters or official acts involving the accounts and transactions of officers or other persons of the county, including those indicated in section 14905 (relating to financial records). The discretionary policies of the controller shall not be applicable to the establishment and adoption of the fiscal policies of the county commissioners.

(2) The following shall apply:

(i) The controller may only refuse to authorize any fiscal transaction which is, by law, subject to the controller's supervision or control where it appears that the 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 the controller 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.

(ii) The controller may at any time require from any officer or other person, in writing, an account of all assets which may have come into the officer's or person's control.

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

(b) Report of audit.--Under subsection (a), the county commissioners, for the purpose of meeting Federal or State requirements, may issue a request for proposals for and contract with an independent certified public accountant or employ a public accountant for the purpose of preparing or conducting a report or audit of the fiscal affairs of the county, independent of or in addition to, the audit conducted by the county controller or auditors. The controller shall be afforded an opportunity to comment on the request for proposals prior to issuance and the contract prior to execution. The contracts shall supplement, but not replace, the official acts and audits of the controller.

§ 14903. Accounts of officers.

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

(b) Information regarding financial institutions.--

(1) The controller shall have the power and authority to require each and every county officer to make a quarterly statement with respect to money in the officer's 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 the institutions.

(2) The controller shall have power to examine every account under paragraph (1) of each and every county officer in any bank, banking institution or trust company to verify the accuracy of the statement of the county officer.

(3) Each bank, banking institution or trust company, its officers and agents shall furnish full information to the controller in relation to the account of the county officer.

(4) 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 information under paragraph (3) with respect to an account of a county officer.

§ 14904. Custody of documents.

The controller shall have custody of and retain in original or other acceptable form, as provided in the most recent edition of the County Records Manual issued for the County Records Committee by the Pennsylvania Historical and Museum Commission, all title deeds to real estate owned by the county, all executed contracts entered into by or on behalf of the county, all records relating to the county's financial affairs and all bonds and other obligations issued by the county, when paid.

The bonds and other obligations shall be monitored by the controller, a ledger of which shall be maintained by the controller in a book or an electronic file dedicated for that purpose and retained according to the most recent edition of the County Records Manual.

§ 14905. Financial records.

The following shall apply:

(1) The controller shall maintain a full and regular set of financial records, including the general ledger, in electronic form or otherwise, 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, to:

(i) meet Federal and State reporting requirements;

and

(ii) show distinctly and separately the following classified by reference to the subject matter:

(A) property of the county;

(B) the county's revenue and expenditures;

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

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

(E) expenditures in detail.

(2) The controller shall select and administer the form and manner of maintaining the official financial records in connection with the fiscal affairs of the county.

(3) If the controller prescribes a change in the form and manner of maintaining the official financial records, any costs necessary for implementation shall be subject to the approval of the county commissioners.

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

Cross References. Section 14905 is referred to in section 14902 of this title.

§ 14906. Investment of money.

(a) Investment standards.--

(1) Subject to subsection (b)(1) and any conditions and limitations in this chapter, in counties of the second class A, the county treasurer shall have the power to invest and reinvest the money of the general fund and special funds that have accumulated beyond the ordinary needs of the various funds, and which are not authorized by law to be invested by any board, commission or county officer, 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 the 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.

(2) In counties of the third, fourth, fifth, sixth, seventh or eighth class, the county commissioners or any individual other than a county commissioner who serves in an elective county office, shall invest money not otherwise required by law to be invested that the individual's office is required to collect, administer or disburse, 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) Investment board and investment program.--

(1) In counties of the second class A, a board of investment is created. The board shall be composed of the treasurer, who shall chair the board, the chairperson of the county commissioners and the controller. The board shall provide for an investment program, including temporary investments, subject to restrictions contained in this part and in any other applicable statute and any rules and regulations adopted by the board. County boards, commissions or other county officers authorized to make investments under subsection (a)(1) shall make investments in conformity with the board's investment program.

(2) In counties of the third, fourth, fifth, sixth, seventh or eighth class, the county 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 county commissioners. Other elective officials authorized to make investments under subsection (a)(2) shall make investments in conformity with the investment program required under this paragraph.

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

(1) Obligations of:

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

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

(iii) a political subdivision of the Commonwealth or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

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

(3) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the

Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only investments of the company are in the authorized investments for county money in paragraphs (1) and (2) and:

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

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

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

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

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

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

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

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

(1) Permit assets pledged as collateral under subsection (c)(2) 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 money.

(2) Combine money from more than one fund under county control for the purchase of a single investment, if each of the funds combined are 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) 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, if the requirements of paragraph (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings from the funds are adhered to.

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

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

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

Cross References. Section 14906 is referred to in sections 14984.2, 14984.3 of this title.

SUBCHAPTER B
ACCOUNTS, AUDITS AND REPORTS
BY CONTROLLER OR AUDITORS

Sec.

14920. Settlement of accounts, report to court of common pleas, publications and financial report.

14920.1. Audit of additional accounts.

14921. (Reserved).

14922. (Reserved).

14922.1. (Reserved).

14923. (Reserved).

14924. (Reserved).

14924.1. Audit of insurance and escrow accounts.

14925. Power of subpoena and attachment.

14926. Power to administer oaths.

14927. Refusal to obey subpoena or submit to examination.

14928. Witness fees.

14929. Settlement of accounts on extraneous proof.

14930. Filing reports.

14931. Appeals from reports.

14932. Form of issue on appeals.

14933. Allowance of attorney fees.

14934. (Reserved).

14935. (Reserved).

14936. (Reserved).

14937. (Reserved).

14938. (Reserved).

14939. (Reserved).

§ 14920. Settlement of accounts, report to court of common pleas, publications and financial report.

(a) Reports and audit, settlement and adjustment of accounts.--

(1) At the end of each fiscal year, the controller or auditors, as the case may be, shall complete the audit, settlement and adjustment of the accounts of all county officers.

(2) The controller or auditors shall make a report, verified by oath or affirmation, to the county court of common pleas annually before July 1, except if the court grants an extension of time upon due cause shown, 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.

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

(1) Within 10 days after making a report to the court of common pleas, notice that the report is available for

public inspection shall be published one time in at least one newspaper of general circulation in the county as the controller or auditors may direct and shall be posted on the official publicly accessible Internet website of the county, but the aggregate cost of newspaper publication may not exceed \$1,500 in any one year in a county, to be paid for out of the county treasury.

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

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

(c) Report to Department of Community and Economic Development.--The county controller shall, on or before the date required by section 123 of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, or July 1, whichever occurs first, 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.

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

§ 14920.1. Audit of additional accounts.

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

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

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

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

(4) The treasurer of the county, along with each officer of 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, with the State Treasury and make a separate report to the court of common pleas, together with a statement of the balances due from or to the treasurer or other officer. A certified copy of the report shall be transmitted to the Auditor General or the Department of Revenue, as the case may be, within 10 days after the report is prepared.

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

(b) Taxes, penalties, fines and costs.--All taxes, penalties, fines and costs collected by the county treasurer

and belonging to a taxing district shall be entered and carried in the records of the county in the same manner as county money and shall be audited in a similar manner. When the taxes, penalties, fines or costs are paid to the taxing district entitled to them, as provided by law, payments shall be made on voucher checks in the same manner as payments are made of county money.

§ 14921. (Reserved).

§ 14922. (Reserved).

§ 14922.1. (Reserved).

§ 14923. (Reserved).

§ 14924. (Reserved).

§ 14924.1. **Audit of insurance and escrow accounts.**

For the purposes of this part 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 money or public money.

§ 14925. **Power of subpoena and attachment.**

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

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

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

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

§ 14926. **Power to administer oaths.**

(a) **Power.**--The controller or auditors may administer oaths and affirmations to each person brought or appearing before the controller or auditors, whether accountants, witnesses or otherwise.

(b) **Penalty.**--A person swearing or affirming falsely on examination commits perjury.

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

A person commits a misdemeanor for any of the following:

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

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

(3) After having been sworn or affirmed, refusing to answer questions of the controller or auditors relating to the public accounts or the official conduct of public officers.

§ 14928. **Witness fees.**

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

§ 14929. **Settlement of accounts on extraneous proof.**

If any person in possession of books, vouchers or papers relative to public accounts before the controller or auditors refuses to produce the documents, or if any officer whose

accounts are to be settled and adjusted by the controller or auditors refuses to attend or submit to examination, the auditors or controller shall proceed, by the examination of witnesses and other evidence, to ascertain and settle the amount of public money received by the officer and its application to public purposes.

§ 14930. Filing reports.

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

(b) Surcharge.--The amount of 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 the balance or shortage appears or against whom by vote, act or neglect permitted or approved the expenditure. The following apply:

(1) An elected or appointed official of a county shall not be surcharged for an act, error or omission in excess of the actual financial loss sustained by the county.

(2) The imposition of a surcharge shall take into consideration as its basis the results of the act, error or omission and the results had the procedure been conducted strictly according to law.

(3) The provisions limiting the amount of any surcharge shall not apply to:

(i) Cases involving fraud or collusion on the part of officers.

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

(c) Judgment and execution on judgment.--

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

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

§ 14931. Appeals from reports.

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

(1) the Commonwealth;

(2) the county;

(3) the officer; or

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

(b) Conditions.--The following apply:

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

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

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

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

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

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

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

(c) Validity and payment.--

(1) 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.

(2) If the surcharge is upheld on appeal to the court of common pleas, the officer surcharged shall immediately pay the actual loss of costs and money due to the county.

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 14931 is referred to in section 14933 of this title.

§ 14932. 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. The 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.

§ 14933. Allowance of attorney fees.

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

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

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

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

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

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

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

- § 14934. (Reserved).
- § 14935. (Reserved).
- § 14936. (Reserved).
- § 14937. (Reserved).
- § 14938. (Reserved).
- § 14939. (Reserved).

SUBCHAPTER C
DISBURSALS OF COUNTY MONEY

Sec.

- 14950. Claims against county.
- 14951. Procedure for approval.
- 14952. Claims not approved by controller.
- 14953. Reports to county commissioners.
- 14954. Fees of witnesses and jurors.

§ 14950. Claims against county.

(a) General duties.--The controller or the county commissioners in counties without a controller shall scrutinize, audit and decide on all bills, claims or demands whatsoever against the county, except as otherwise provided in this subchapter.

(b) Presentation of claim and evidence.--

(1) All persons with a claim shall first present the claim to the controller or the county commissioners and, if required, make oath or affirmation before the controller or county commissioners to the accurateness of the claims.

(2) The controller or the county commissioners may require evidence by oath or affirmation of the claimant 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.

(c) Conflict of interest.--

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

(i) Any officer or agent of the county:

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

(B) has received or is to receive any commission, consideration or gratuity relating thereto.

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

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

§ 14951. Procedure for approval.

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

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

(2) If the county commissioners approve payment of a bill, claim or demand, at least two county commissioners shall sign the check as properly drawn upon the county

treasury. In these cases facsimiles of the signatures of the county commissioners may be used.

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

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

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

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

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

(1) The county commissioners shall approve each transaction.

(2) The check shall be drawn by the chief clerk who shall keep files of the bills, claims or demands.

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

(4) The checks 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 the treasurer's signature.

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

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

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

§ 14952. Claims not approved by controller.

If, upon receipt, the controller does not approve a claim, bill or demand, the controller shall within 15 days forward the claim, bill or demand to the county commissioners, together with notice that the controller has disapproved the claim, bill or demand or is unable to approve the claim, bill or demand and the reasons for the disapproval. The county commissioners shall consider the claim, bill or demand and, if the county commissioners consider that the claim, bill or demand should be paid by the county, the county commissioners shall notify the controller. If the controller continues to refuse approval, no payment shall be made by the county except under an order of court upon a proper issue directing the controller to approve payment.

§ 14953. Reports to county commissioners.

At the request of the county commissioners, the controller shall report to the county commissioners monthly the amount of outstanding checks registered and the amount of money in the

treasury or the amount of a particular unencumbered appropriation item involved.

§ 14954. Fees of witnesses and jurors.

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

SUBCHAPTER D

COUNTY TREASURY AND COUNTY DEPOSITORIES

Sec.

14960. Receipts and accounts of money due county.

14961. (Reserved).

14962. Depositories.

14963. (Reserved).

14964. (Reserved).

§ 14960. Receipts and accounts of money due county.

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

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

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

- (1) be serially numbered; and
- (2) indicate:
 - (i) the amount of money received;
 - (ii) the payor;
 - (iii) on what account the money is received; and
 - (iv) the date.

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

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

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

- (1) the balance remaining in the accounts; and
- (2) the names of the collectors having arrearages in taxes with the amounts of the arrearages.

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

Cross References. Section 14960 is referred to in sections 13917, 13952 of this title.

§ 14961. (Reserved).

§ 14962. Depositories.

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

(b) Collateral.--

(1) A depository designated under subsection (a) shall, upon receipt of notice of its designation, collateralize deposits of public money 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," by pledging collateral in an account in the name of the county or utilizing a letter of credit from the Federal Home Loan Bank to secure public deposits in excess of Federal Deposit Insurance Corporation insurance limits. The depository shall provide a monthly report within 15 days after the end of each month to the county commissioners in accordance with the reporting requirements under the act of August 6, 1971 (P.L.281, No.72), including the composition of the collateral and related market value.

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

(i) Collateral shall be marked to market daily.

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

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

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

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

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

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

(d) Withdrawals.--Withdrawals from the depository shall be only drawn by the treasurer upon properly authorized checks or by other commercially accepted methods of electronic funds

transfer that have been specifically approved by the county commissioners.

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

§ 14963. (Reserved).

§ 14964. (Reserved).

SUBCHAPTER E
COUNTY TAXATION, BORROWING AND
TRANSFER OF FUNDS

Sec.

14970. Tax levies.

14971. Additions and revisions to duplicates.

14972. (Reserved).

14973. (Reserved).

14974. Temporary loans.

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

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

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

§ 14970. Tax levies.

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

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

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

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

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

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

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

(e) Limitations.--A tax for general county purposes in a county of the third, fourth, fifth, sixth, seventh or eighth class, exclusive of the requirements for the payment of rentals to any municipal authority, may not in any one year exceed the rate of 25 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 an additional five mills to be levied. The following shall apply:

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

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

(f) Statement required.--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 \$100 of assessed valuation of taxable property.

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

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

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

(h) Third, fourth, fifth, sixth, seventh or eighth class counties.--A tax may not 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. The following shall apply:

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

(2) A county may, by ordinance or resolution, exempt an individual whose total income from all sources is less than the dollar amount per annum as provided in section 301.1(b) of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, from any per capita tax levied under this part.

§ 14971. Additions and revisions to duplicates.

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

taxable property in the county to which major improvements have been made after January 1 of any year.

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

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

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

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

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

§ 14972. (Reserved).

§ 14973. (Reserved).

§ 14974. **Temporary loans.**

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

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

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

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

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

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

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

(1) By resolution, make supplemental appropriations for a lawful purpose from money on hand or estimated to be received within the fiscal year and not otherwise appropriated. This paragraph includes proceeds of borrowing authorized by law.

(2) Authorize the transfer of:

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

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

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

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

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

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

- (1) Hiring work to be done.
- (2) Purchasing materials.
- (3) Making a contract.
- (4) Issuing a payment order.

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

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

(b) Designation.--The county commissioners, the county treasurer and the county controller may designate any bank, savings bank, bank and trust company, trust company or national banking association, located within the county as a deputy county tax collector for the sole purpose of receiving and receipting for county taxes paid to the deputy county tax collector at the collector's place of business.

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

(d) Security.--Before entering upon the duties of receiving and receipting for taxes, an institution shall post security in an amount as determined by the county commissioners, the county treasurer and the county controller, to ensure the faithful performance of duties and the remission of taxes and money received.

(e) Functions.--A deputy county tax collector shall, within five days after the last day of each calendar month, transmit to the county tax collector all money received by it as the deputy during the preceding month. The payment shall be accompanied by an itemized statement identifying:

- (1) the tax paid;
- (2) the date of payment; and
- (3) the payor.

(f) Compensation and expenses.--A deputy tax collector:

- (1) Shall not be allowed compensation or commission for acting as a deputy tax collector.
- (2) Shall be reimbursed for expenses actually incurred in transmitting money and records of payments to the county tax collector.

**SUBCHAPTER F
BUDGETS**

Sec.

14980. Fiscal year and preparation of proposed annual budget.
14981. (Reserved).
14982. Adoption of budget, publication of proposed budget and notice of final action date.
14982.1. Amended budget and notice.
14982.2. Delivery of tax duplicates.
14982.3. Amending budget, levy and tax rate, revising tax duplicates and filing.
14983. Annual budget appropriations and tax rate.
14984. (Reserved).

- 14984.1. Taking of money and property.
- 14984.2. Capital reserve fund for anticipated capital expenditures.
- 14984.3. Operating reserve fund.
- 14985. Committee to prepare uniform forms.

§ 14980. Fiscal year and preparation of proposed annual budget.

(a) Fiscal year.--The fiscal year of each county shall begin on January 1 and end on December 31 of each year.

(b) Preparation of proposed budget.--At least 90 days prior to adopting the budget, the county commissioners shall begin the preparation of the proposed budget for the succeeding fiscal year. The budget may be prepared based upon information collected and transmitted by the controller as provided under subsection (c) or by the county commissioners, a finance department or a designated person employed and qualified by the county commissioners.

(c) Budget information.--At the request of the county commissioners, but in no case less than 60 days prior to adoption of the budget by the commissioners, the controller shall prepare and transmit to the commissioners:

(1) A comparative statement of revenues for the current and immediately preceding fiscal year and a comparative statement of expenditures, including interest due and to become due on the lawful interest-bearing debts of the county for the same years. In counties in which 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.

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

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

§ 14981. (Reserved).

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

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

(1) The public shall be given notice by publication in one newspaper of general circulation at least 20 days before the date set for the adoption of the budget that the proposed budget is available for public inspection. The notice shall contain the date set for the adoption of the budget and the manner in which the proposed budget has been made available for public inspection.

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

(b) Revision of proposed budget.--If any revision of the proposed budget is made after the budget has been published under subsection (a) which would increase the estimated expenditures in the adopted budget by more than 10% in the aggregate over the proposed budget as made available for public inspection, the revised budget may not be adopted with any

increases unless the budget is made available for public inspection and for protest of any increases for a period of at least 10 days after notice to that effect is published.

§ 14982.1. Amended budget and notice.

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

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

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

§ 14982.2. Delivery of tax duplicates.

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

(b) **Alternative delivery date.**--Notwithstanding the provisions of subsection (a), the county commissioners shall have the option to prepare and deliver the duplicates of taxes assessed to the respective tax collectors, together with the warrant for collection no later than the final date for a school district to prepare 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, if the county commissioners:

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

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

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

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

§ 14983. Annual budget appropriations and tax rate.

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

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

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

§ 14984. (Reserved).

§ 14984.1. Taking of money and property.

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.

§ 14984.2. Capital reserve fund for anticipated capital expenditures.

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

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

(c) Administration of fund.--The fund shall be controlled, invested, reinvested and administered and the money and income from the fund expended for any purpose for which the fund is created, 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 14906 (relating to investment of money). This subsection may not be construed to limit the powers of the county to the use of money in the capital reserve fund in making lawful capital expenditures.

§ 14984.3. Operating reserve fund.

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

- (1) minimize future revenue shortfalls and deficits;
- (2) provide greater continuity and predictability in the funding of vital government services;
- (3) minimize the need to increase taxes to balance the budget in times of fiscal distress;
- (4) provide the capacity to undertake long-range financial planning; and
- (5) develop fiscal resources to meet long-term needs.

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

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

- (1) meet emergencies involving the health, safety or welfare of the residents of the county;
- (2) counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from any source;
- (3) counterbalance potential budget deficits resulting from increases in anticipated costs of goods or services;
or
- (4) provide for anticipated operating expenditures related either to the planned growth of existing projects or programs or 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) Administration of fund.--The operating reserve fund shall be invested, reinvested and administered in a manner

consistent with the provisions of section 14906 (relating to investment of money).

§ 14985. Committee to prepare uniform forms.

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

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

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

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

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

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

(6) One certified public accountant.

(b) Appointment of committee members.--Except for the certified public accountant who shall be appointed by the Governor, the committee members shall be appointed by the president of each organization. For 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 organization shall supply to the Department of Community and Economic Development the names and addresses of the representatives immediately upon appointment.

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

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

(e) Preparations of forms.--In preparing the uniform forms for annual reports, the committee shall give careful consideration to the differing legal requirements and needs of the counties, producing, if necessary, separate forms for certain classes of counties or groups of classes.

(f) Oversight.--The Secretary of Community and Economic Development or the secretary's designee shall ensure that the forms required under this section are prepared in cooperation with the committee. If the committee fails to cooperate, the Secretary of Community and Economic Development or the secretary's designee shall complete the preparation of the forms. The Secretary of Community and Economic Development shall issue and distribute the forms annually, as needed, to the county commissioners, controller or auditors of each county.

(g) Changes to forms.--The Secretary of Community and Economic Development shall include within the report forms specified in this section the changes necessitated under this part in regard to property, powers, duties and obligations of

institution districts transferred to counties. The committee may not be held responsible for the changes to the forms.

(h) Accounting and fiscal practices.--The Secretary of Community and Economic Development shall convene the committee to assist counties in developing appropriate accounting and fiscal practices in compliance with generally accepted accounting principles.

SUBCHAPTER G

SINKING FUND COMMISSION

Sec.

14990. Membership.

14991. Management of sinking funds.

14992. Bonds of county held by commission.

14993. Pay off, cancellation, priority and sale of county bonds.

14994. (Reserved).

14995. Investment of sinking fund money.

§ 14990. Membership.

Each county may establish a sinking fund commission. The sinking fund commission shall be composed of:

- (1) the county commissioners;
- (2) the controller, or auditors in counties without a controller; and
- (3) the treasurer.

§ 14991. Management of sinking funds.

(a) Income.--The sinking fund commission shall annually apply the interest received on sinking fund deposits, the 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 following year, unless the income is necessary to pay the bonds of the county as the bonds mature and become payable. The income 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.

(b) Sale of bonds.--The sinking fund commission may, whenever the commission deems necessary and for the best interest of the several sinking funds, sell any bonds held by the commission other than bonds of the county itself.

§ 14992. Bonds of county held by commission.

(a) Bonds generally.--The bonds of the county held by the sinking fund commission shall be stamped in a conspicuous manner to show that the bonds have been purchased for the sinking fund. The bonds may not be reissued or sold.

(b) Interest.--The sinking fund commission may not require the county to pay interest on any of the bonds held by the commission, unless the commission deems the payment of interest necessary for the purpose of having adequate money on hand to pay the bonds of the county as the bonds mature and become payable.

(c) Cancellation of bonds.--The bonds of the county held by the sinking fund commission shall be canceled immediately upon maturity.

§ 14993. Pay off, cancellation, priority and sale of county bonds.

(a) Pay off and cancellation of bonds.--In order to facilitate the extinguishment of the county debt, the county bonds purchased by the sinking fund commission shall be paid off and canceled according to the priority of maturity. The

commission may, at the commission's discretion, withhold the purchase of the maturing county bonds until after bonds purchased from a later issue of county bonds shall be paid off and canceled.

(b) Sale of bonds.--If the sinking fund commission does not have sufficient money to meet the payment of the earlier maturing bonds, the bonds shall be sold by the commission at not less than par.

§ 14994. (Reserved).

§ 14995. Investment of sinking fund money.

The sinking fund commission shall have the power to invest county sinking funds as authorized by the former act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, and liquidate the investment, in whole or in part, by disposing of securities or withdrawing money on deposit. Any action taken to make or to liquidate any investment shall be made by the commission.

CHAPTER 151

CONTRACTS

Sec.

15100. Contracting.

15101. Commissioners sole contractors for county generally.

15102. Contract procedures, terms and bonds and advertising for bids.

15103. Evasion of advertising requirements.

15104. (Reserved).

15105. Sales of personal property and surplus farm products.

15106. Conflicts of interest prohibited.

15107. Application of contract provisions.

15107.1. Printing contracts.

15107.2. Prohibited contract provisions.

Enactment. Chapter 151 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 151 is referred to in sections 13916, 15355, 15907, 16111, 16750 of this title.

§ 15100. Contracting.

The county commissioners may make contracts for lawful purposes and for executing the provisions of this chapter and the laws of this Commonwealth.

§ 15101. Commissioners sole contractors for county generally.

(a) Contracts for services and personal property.--In counties of the third, fourth, fifth, sixth, seventh or eighth class, the county commissioners shall contract for and purchase the services referred to in section 12508 (relating to office supplies) and personal property for county officers and agencies. A contract and purchase not in excess of the base amount of \$18,500, subject to adjustment under subsection (c), shall be by note or memorandum, in writing, signed by the county commissioners or their designees. A copy of the note and memorandum and the executed written contract, or electronic copy of the executed written contract, shall be filed in the office of the controller or, in a county without a controller, with the chief clerk of the county commissioners.

(b) Price quotations.--

(1) Except as otherwise provided in section 15102(h)(4) (relating to contract procedures, terms and bonds and advertising for bids), for counties of the third, fourth, fifth, sixth, seventh or eighth class, written or telephonic price quotations from at least three qualified and

responsible contractors shall be requested for the contracts in excess of the base amount of \$10,000, subject to adjustment under subsection (c), but less than the amount requiring advertisement and competitive bidding. 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.

(2) A written record of telephonic price quotations shall be made and shall contain at least:

- (i) the date of the quotation;
- (ii) the name of the contractor and the contractor's representative;
- (iii) the construction, reconstruction, repair, maintenance or work which was the subject of the quotation; and
- (iv) the price.

(3) Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) Adjustments to base amounts.--Adjustments to the base amounts specified under subsections (a) and (b) shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2012, and for each successive 12-month period thereafter.

(2) If the department determines that there is no positive percentage change, no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

(3) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1):

- (i) the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts; and
- (ii) the preliminary adjusted amounts shall be rounded to the nearest \$100 to determine the final adjusted base amounts for purposes of subsections (a) and (b).

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average:

- (i) the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year; and
- (ii) the sums shall be rounded to the nearest \$100 to determine the new final adjusted base amounts for purposes of subsections (a) and (b).

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following November 3, 2011, and annually between October 1 and November 15 of each year thereafter.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The department shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required under subsection (a) and written or telephonic price quotations are required under subsection (b), respectively, for the calendar year beginning January 1 after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) may not exceed 3%.

(d) Wholesale purchases.--The county commissioners shall, if possible, anticipate the needs of the various officers, agencies and operations of the county and endeavor to purchase in wholesale quantities, if practicable and if savings could be achieved by wholesale purchase.

(e) Purposes of contracts and purchases.--The county commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.

Cross References. Section 15101 is referred to in sections 15102, 15103, 16117, 17315, 17345 of this title.

§ 15102. Contract procedures, terms and bonds and advertising for bids.

(a) Contract requirements.--A contract for services and personal property in which the base amount of the contract exceeds the sum of \$18,500, subject to adjustment under section 15101(c) (relating to commissioners sole contractors for county generally), shall be in writing and shall, except as otherwise specified, be made by advertising for bids.

(b) Bids.--

(1) Contracts or purchases in excess of the base amount of \$18,500, subject to adjustment under section 15101(c), except those specified in subsection (h) 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 services, the purchase of goods and the sale of real and personal property where no bids are received," must be made:

(i) with and from the lowest responsible and responsive bidder submitting a bid in conformity with the specifications approved by the county commissioners for the contract or purchase;

(ii) after due notice in one newspaper of general circulation, published or circulating in the county:

(A) at least two times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication; or

(B) once a week for two successive weeks where weekly newspapers are employed.

(2) The first notice under paragraph (1)(ii) shall be published not less than 10 days prior to the date fixed for the opening of bids.

(3) The requirements of this subsection need not be followed in cases of emergency, but in emergency cases the actual emergency shall be declared and stated by resolution of the county commissioners.

(c) Receipt and opening of bids.--All bids shall be received by the controller or, for a county without a controller, by the chief clerk of the county commissioners, in sealed envelopes. The following apply:

(1) For a county of the second class A, bids shall be opened publicly at a time and place to be designated in the advertisement for bids. The figures shall be announced publicly by the chief clerk or the chief clerk's designee and referred to the appropriate departments for tabulation without the presence of the county commissioners.

(2) For a county of the third, fourth, fifth, sixth, seventh or eighth class, 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 county commissioners or their designee. The controller or the chief clerk shall keep a record of the bids.

(d) Entire amount.--

(1) The amount or price of the contract shall be the entire amount which the county pays to the successful bidder or the bidder's assigns less the value of personal property transferred from the county to the bidder or the bidder's assigns at any time during the duration of the contract, in order to obtain the services or property, or both. The amount of the contract may not be construed to mean only the amount that is paid to acquire title or to receive any other particular benefit of the whole bargain.

(2) The value of personal property transferred to the bidder or the bidder's 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) Acceptance of bids.--

(1) The acceptance of bids by advertising required under this section shall be made by the controller, for a county of the second class A, or by the county commissioners, for a county of the third, fourth, fifth, sixth, seventh or eighth class. The acceptance of bids 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 opened. If for any reason the award is not made at either of the 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 the award.

(2) The contract shall be awarded, or the bids shall be rejected, within 30 days of the opening of the bids, except for bids subject to 62 Pa.C.S. (relating to procurement). A 30-day extension of the date for the award may be made by the mutual written consent of the county commissioners and any bidder that wishes to remain under consideration for award. The county 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 the bidder from any bid bond or similar bid security furnished under subsection (f).

(3) A contract shall be filed with the controller, or with the chief clerk as the case may be, immediately after the execution.

(f) Security permitted.--The county commissioners may require, as a necessary condition of considering a bid, that any bids advertised be accompanied by a cashier's 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. In the event a bidder shall, upon award of the contract to the bidder, fail to comply with the requirements of subsection (g) 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) Security required.--If a formal bid is required by this chapter, the successful bidder may be required to furnish a bond or irrevocable letter of credit or other security in an amount sufficient to the county commissioners guaranteeing performance of the contract within 30 days after the contract has been awarded, unless the county commissioners prescribe a shorter period. The successful bidder for a contract which involves the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind shall furnish security as provided in section 16118 (relating to contract performance security and payment bonds). Performance security for services and contracts for labor and materials delivered on a periodic basis, including food service contracts, home health services and janitorial services and supplies, may be computed on the expected average value for one or more months at the discretion of the county commissioners. Upon failure to furnish the security within the time fixed, the previous awards shall be void. Deliveries, performances and guarantees may be required in all cases of expenditures, including the exceptions under subsection (h).

(h) Exceptions.--Contracts or purchases made by the county commissioners for the following may not require advertising, bidding or price quotations:

(1) Maintenance, repairs or replacements for water, electric light or other public works if not new additions, extensions or enlargements of existing facilities and equipment. Security may be required by the county commissioners as in other cases for work done.

(2) Improvements, repairs and maintenance, made or provided by the county through its own employees. This paragraph does not apply to construction materials used in a street improvement.

(3) Particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof requested by the county commissioners, which are patented and manufactured or copyrighted products.

(4) Policies of insurance or surety company bonds.

(5) Public utility service and electricity, natural gas or telecommunication services, provided that, for 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 15101(b).

(6) Services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise.

(7) Materials, supplies and equipment 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.

(8) Tangible client services provided by nonprofit agencies. For the purposes of this paragraph, the term "tangible client services" shall mean congregate meals, home-delivered meals, transportation or chore services provided through area agencies on aging.

(9) The sale, lease or loan of supplies or materials to the county by a public body if the price is not in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) may not apply when a county purchases cooperatively with another public body that has entered into a contract for supplies or materials. As used in this paragraph, the term "public body" shall mean any of the following:

(i) the Federal Government;

(ii) the Commonwealth;

(iii) any other state;

(iv) a political subdivision, local or municipal authority, council of government, entity created in accordance with 53 Pa.C.S. Ch. 23 Subch. A 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.

(10) The purchase of milk for counties of the second class A.

(11) Construction management services.

(12) Computer software.

(i) Contracts for technology and information systems.--

(1) Notwithstanding the provisions of this chapter 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.

(2) 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:

(i) the objectives to be met by the system;

(ii) the tasks to be performed by the system;

(iii) the users of the system;

(iv) system security issues;

(v) the time frame for system implementation;

(vi) potential operating technologies;

(vii) compatibility with existing systems;

(viii) training and maintenance; and

(ix) the process by which the contract shall be awarded.

(3) Best value procurement may not require a sealed bid process and shall permit the county commissioners to negotiate the terms of the agreement with any responsive and responsible vendor.

(j) Other acts.--A contract subject to this chapter shall comply, as applicable, with the provisions of:

(1) The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

(2) The act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967.

(3) The act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law.

(4) The act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.

(5) The act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act.

(6) 62 Pa.C.S. Chs. 37 Subch. B. (relating to motor vehicles), 39 (relating to contracts for public works) and 45 (relating to antibid-rigging).

(k) Shared fees and compensation.--Individuals, consultants, firms or corporations contracting with a county for purposes of rendering personal or professional services to the county may not share with a county officer or employee, and county officers or employees may not accept any portion of the compensation or fees paid by the county for the contracted services provided to the county except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the county commissioners.

(2) The county commissioners must approve the sharing of any fee or compensation for personal or professional services prior to the performance of the services.

(3) Fees or compensation for personal or professional services may not be shared except for work actually performed.

(4) Shared fees or compensation for personal or professional services may not be paid at a rate in excess of that commensurate for similar personal or professional services.

(l) Electronic bidding.--Nothing in this part shall be construed as prohibiting a county from electronic bidding to the extent authorized by 62 Pa.C.S. Ch. 46 (relating to electronic bidding by local government units).

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 15102 is referred to in sections 15101, 15103, 15106 of this title.

§ 15103. Evasion of advertising requirements.

(a) Prohibition.--

(1) No commissioner may evade the provisions of section 15102 (relating to contract procedures, terms and bonds and advertising for bids) for advertising for bids or purchasing or contracting for services and personal properties piece-meal, for the purpose of obtaining prices under the base amount of \$18,500, subject to adjustment under section 15101(c) (relating to commissioners sole contractors for county generally), upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than the base amount of \$18,500, subject to adjustment under section 15101(c). This paragraph 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 that price, if in either case the transaction involved should have been made as one transaction for one price.

(2) Commissioners who vote in violation of this provision and who know that the transaction upon which the commissioners so vote is or should 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.

(3) If it appears that a county commissioner may have voted in violation of this section, but the purchase or contract on which a county commissioner voted was not approved by the board of commissioners, this section shall be inapplicable.

(b) Criminal offense.--Each county commissioner who votes to unlawfully evade section 15102 and who knows that the transaction is or should 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 that may be assessed under subsection (a).

§ 15104. (Reserved).

§ 15105. Sales of personal property and surplus farm products.

(a) General rule.--Personal property and surplus farm products of the county may not be disposed of by sale or otherwise, except upon resolution of the county commissioners.

(b) Small lots.--If the county commissioners approve a sale of the property or farm products, the commissioners shall estimate the sale value of the entire lot to be disposed of, and, if the estimate is less than \$2,000, the commissioners shall require notice of the proposed sale to be posted, for at least 10 days, in a prominent place in the courthouse, describing and itemizing the property to be sold, and directing that bids may be made at the office of the chief clerk of the county commissioners. After the notice period, the county commissioners may sell the property in whole or in part for the best price or prices obtainable.

(c) Large lots.--If the county commissioners estimate the sale value of the personal property or of the surplus farm products to be sold at \$2,000 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 advertised shall be made to the highest and best bidder. The bids may not be opened until at least 10 days after the advertisement.

(d) Auctions.--The county commissioners may sell any property at auction, but the notice contained in this section shall be likewise observed as to the holding of auction sales.

(e) Exceptions.--The provisions of this section may not be mandatory if county property is to be traded in or exchanged for new personal property. The provisions of this section may not apply to sale of personal property with real property as a single unit under section 16106.1 (relating to authority to sell certain property as a single unit).

(f) Electronic auctions.--A public auction of personal property may be conducted by means of an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase bid prices during the

electronic auction. The record of the electronic auction shall be accessible as a public record under the provisions of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the county commissioners. In the event that shipping costs are incurred, the shipping costs shall be paid by the high bidder. A county that has complied with the advertising requirements of this section may provide additional notice of the sale by bids or public auction in any manner deemed appropriate by the county commissioners. The advertisement for electronic auction sales authorized in this subsection shall include the publicly accessible Internet website of, or means of accessing, the electronic auction and the date, time and duration of the electronic auction.

§ 15106. Conflicts of interest prohibited.

(a) General rule.--Except as provided in subsection (b), restrictions on the involvement of elected and appointed county officers in a county contract shall be as prescribed in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the limitations and procedures under section 15102(k) (relating to contract procedures, terms and bonds and advertising for bids).

(b) Architects and engineers and criminal offense.--Notwithstanding subsection (a), the following shall apply:

(1) It shall be unlawful for an architect or engineer employed by a county of the second class A and engaged in the preparation of plans, specifications or estimates, to bid or negotiate on any public work contracted by the county, except that an architect or engineer who prepared preliminary plans only may bid on or negotiate the final contract for the work.

(2) It shall be unlawful for the officers of a county of the second class A charged with the duty of contracting for public work, to award a contract to an architect or engineer, employed by the county who is interested in a contract for public work for the county or for any architect or engineer to receive any remuneration or gratuity from any person interested in the contract except as provided under section 15102(k).

(3) A person violating any of the provisions of paragraph (1) or (2) commits a misdemeanor in office and, upon conviction, shall forfeit the office and be sentenced to pay a fine not exceeding \$500 or to imprisonment for not more than six months, or both.

Cross References. Section 15106 is referred to in section 14950 of this title.

§ 15107. Application of contract provisions.

The provisions of this chapter shall apply to all of the contractual powers of the county commissioners contained in this part, or other laws not inconsistent with this chapter, and the mention of powers of contract outside this chapter shall not be construed as disregarding the applicable provisions of this chapter.

§ 15107.1. Printing contracts.

(a) Responsible bidders.--In counties of the second class A, the county commissioners may, by resolution, require that a printing firm presenting a bid for county printing establish itself as a responsible bidder by requiring that:

(1) The printing firm file, with the chief clerk of the county commissioners, a sworn statement to the effect that employees are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced.

(2) If a collective bargaining agreement is in effect between an employer and employees who are represented by a responsible organization that is not influenced or controlled by the management, the agreement and the provisions of the agreement shall be considered as conditions prevalent in the locality and shall be the minimum requirements for being deemed a responsible bidder under this chapter.

(3) In case a dispute arises as to what is the prevailing rate of wages for work applicable to the contract, which cannot be adjusted by the county commissioners, the matter shall be referred to the county salary board and the board's decision shall be conclusive.

(b) Prevailing wage rate.--If the wage rates vary in any district in a county, then a printing firm that pays wages at least equal to those in any agreement shall, for the purposes of this chapter, be deemed to be paying the prevailing wage rate.

(c) Definition.--As used in this section, the term "prevailing wage rate" means at least the minimum wages that are received by employees of a printing firm, in second class A counties as a result of a collective bargaining agreement negotiated by an employer with a responsible organization representing the employees.

§ 15107.2. Prohibited contract provisions.

A political subdivision or authority in a county of the second class A may not enter into a contract related to a redevelopment capital assistance project under section 318 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, which contains a provision requiring that a specified percentage of a contracting party's work force be residents of a specific municipality.

CHAPTER 153

SPECIAL POWERS AND DUTIES OF COUNTIES

Subchapter

- A. (Reserved)
- B. (Reserved)
- C. (Reserved)
- D. County Histories
- E. Animal and Plant Husbandry
- F. Communications
- G. Prevention and Control of Floods
- G.1. Disaster Emergency Aid to Municipalities in Counties of the Third through Eighth Class
- H. Aid to Firefighting Departments and Companies
- H.1. Fire Marshal and Assistant Fire Marshals in Counties of the Third through Eighth Class
- I. Utilities
- J. (Reserved)
- K. Rewards and Bounties
- L. Garbage and Refuse Disposal
- M. (Reserved)
- N. Appropriations to Industrial Development Agencies
- O. Surplus Foods and Food Stamp Program
- P. Historical Property and Museums
- P.1. Legal Aid Services

- Q. Transportation and Traffic Control Devices
- R. (Reserved)
- S. Appropriations for Recreation and Historic and Museum Projects of Municipal Corporations, Authorities and Nonprofit Organizations
- T. Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts in Counties of the Third through Eighth Class
- U. Agreements with Federal Government for the Promotion of Health or Welfare
- V. Appropriations for Reservoirs and Water Resources
- W. Tourist Promotion Agencies
- X. Crime Detection Laboratory and Police Training School in Counties of the Third Class
- Y. Parking Facilities
- Z. Revenue Bonds for Industrial Development Projects
 - Z.1. Grants to Nonprofit Art Corporations
 - Z.2. Commission on Women
 - Z.3. Civil Service in Counties of the Second Class A
 - Z.4. Insuring County Against Loss or Liability
 - Z.5. Lot and Block System in Counties of the Second Class A

Enactment. Chapter 153 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
(Reserved)

SUBCHAPTER B
(Reserved)

SUBCHAPTER C
(Reserved)

SUBCHAPTER D
COUNTY HISTORIES

Sec.

- 15328. County history.
- 15329. Payment to historical societies.
- 15330. Qualification of society.
- 15331. Restoration and preservation of historic sites.

§ 15328. County history.

The county commissioners, either independently or in connection with any other municipality within the county or a society or organization, may appropriate money for the compilation of a county war history or any general history or historical account related to the historical records and government of the county and for publication and distribution.

§ 15329. Payment to historical societies.

(a) Payments.--The county commissioners may pay, out of the county money not otherwise appropriated, a sum of money to a county historical society, qualified under section 15330 (relating to qualification of society), to assist in paying expenses. If a county historical society is comprised of residents of more than one county, the county commissioners of the respective counties may jointly pay the sum in such proportion as the county commissioners shall agree.

(b) Vouchers.--Appropriations may not be renewed until vouchers have been filed with the county commissioners showing

that the appropriation for any prior year has been expended under this chapter.

Cross References. Section 15329 is referred to in section 15330 of this title.

§ 15330. Qualification of society.

A historical society eligible to receive county money according to the provisions of section 15329 (relating to payment to historical societies) shall:

- (1) be a not-for-profit corporation, in good standing and registered according to the laws of this Commonwealth with the Bureau of Corporations and Charitable Organizations;
- (2) have operated for two years prior to receiving an appropriation from a county; and
- (3) control and operate a museum or other facility related to the history of the county or this Commonwealth that is open to the public at least 100 days per year.

Cross References. Section 15330 is referred to in section 15329 of this title.

§ 15331. Restoration and preservation of historic sites.

The county commissioners may make appropriations out of county money to any nonprofit corporation organized for the purpose of restoring and preserving historic sites that are within the county. For the purposes of this section, an eligible historic site shall be listed or eligible to be listed in the National Register of Historic Places or designated as historic by resolution of the county commissioners.

SUBCHAPTER E

ANIMAL AND PLANT HUSBANDRY

Sec.

15335. Appropriations for prevention of cruelty to animals.

15336. Cooperative Extension, natural resources, 4-H youth, families, nutrition and community development.

15337. Agricultural or horticultural societies.

15338. Suppression of animal and plant disease.

15339. County fair associations in counties of the third, fourth, fifth, sixth, seventh and eighth class.

§ 15335. Appropriations for prevention of cruelty to animals.

The county commissioners may appropriate money toward the maintenance of an 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 the appropriation, shall have been engaged in carrying out the purposes of its incorporation, in whole or in part, within the county.

§ 15336. Cooperative Extension, natural resources, 4-H youth, families, nutrition and community development.

(a) Appropriations.--The county commissioners may make annual appropriations for Cooperative Extension work, in cooperation with The Pennsylvania State University, to support improved methods of agricultural production and management, economic development, family and youth programming and practical instruction and demonstrations, both in-person and online. The purpose of these activities is to help communities, businesses and people solve problems and improve their quality of life.

The money shall be expended according to rules and regulations prescribed or approved by the county commissioners to support Cooperative Extension's mission to provide educational

opportunities to constituents, regardless of where the expertise is located.

(b) Cooperative Extension services.--Cooperative Extension shall provide counties access to The Pennsylvania State University's science-based information, expertise and education and shall continually work to expand access to its Statewide programs through technology channels.

(c) Offices.--The county commissioners may provide offices in the county for headquarters for cooperative work under this section.

§ 15337. Agricultural or horticultural societies.

(a) Appropriations.--The county commissioners are authorized to make appropriations annually out of the current revenues of the county to an incorporated agricultural or horticultural society or association located within the county.

(b) Additional appropriations.--The county commissioners are authorized to make additional appropriations annually out of the current revenues of the county to an incorporated agricultural or horticultural society or association located within the Commonwealth.

§ 15338. Suppression of animal and plant disease.

(a) Appropriations.--The county commissioners may make appropriations from county money and cooperate with the Department of Agriculture, for the purpose of controlling and suppressing:

- (1) dangerous transmissible diseases of domestic animals;
- (2) dangerous plant diseases;
- (3) insect pests; and
- (4) diseases of honeybees.

(b) Agreements.--For the purpose of carrying out this section, the county commissioners may enter into agreements with the Department of Agriculture concerning terms, rules, regulations and practices for conducting the work.

§ 15339. County fair associations in counties of the third, fourth, fifth, sixth, seventh and eighth class.

The county commissioners in counties of the third, fourth, fifth, sixth, seventh and eighth class may appropriate annually, out of current revenues, to an incorporated nonprofit agriculture association or a 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, regardless of if the real estate is owned by the county and leased to the association.

**SUBCHAPTER F
COMMUNICATIONS**

Sec.

15343. Appropriations for radio broadcasting station.

15344. Appropriations for police, fire and other public safety radio and telecommunications networks.

§ 15343. Appropriations for radio broadcasting station.

The county commissioners may make an appropriation for the purpose of assisting a naval reserve unit or amateur radio league in maintaining, equipping and operating a shortwave 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.

§ 15344. Appropriations for police, fire and other public safety radio and telecommunications networks.

The county commissioners may make appropriations for the erection, operation and maintenance of a county police radio, fire and other public safety radio and telecommunications networks.

SUBCHAPTER G
PREVENTION AND CONTROL OF FLOODS

Sec.

15347. Prevention and control of floods.

§ 15347. Prevention and control of floods.

(a) Prevention and control of floods.--The county 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 in real property, for the purpose of cleansing, maintaining, regulating, improving and controlling rivers, streams and other bodies of water and stormwater drainage systems lying within the boundaries of the county, either in whole or in part, for the prevention and control of floods. The county commissioners may make contracts and expenditures for the cleansing, maintenance, regulation, improvement and control of waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs, or otherwise, in parts of waters beyond the limits of the county or of the Commonwealth, if, in the county commissioner's judgment, the expenditures are necessary and for the benefit of the county.

(b) Investigations.--The county commissioners may make appropriations and expenditures for investigating and examining or for assisting in the investigation and examination of the condition of waters for the purpose of subsection (a).

(c) Agreements.--The county commissioners may enter into agreements with the United States Secretary of Defense or other public authorities empowered to act under any law of the United States or of this or any other state, as may be necessary and proper for the prevention and control of floods.

(d) Bonds.--In exercising the powers under this chapter, the county commissioners may, subject to the limitation of the Constitution of Pennsylvania, issue interest bearing bonds of the county in accordance with the provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

SUBCHAPTER G.1
DISASTER EMERGENCY AID TO MUNICIPALITIES
IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

Sec.

15348. Emergency appropriation to municipal corporations.

§ 15348. Emergency appropriation to municipal corporations.

(a) Appropriations.--The county commissioners of counties of the third, fourth, fifth, sixth, seventh and eighth class may appropriate money 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) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disaster emergency." As defined in 35 Pa.C.S. § 7102 (relating to definitions).

"Local emergency." As defined in 35 Pa.C.S. § 7102.

SUBCHAPTER H

AID TO FIREFIGHTING DEPARTMENTS AND COMPANIES

Sec.

15351. (Reserved).

15352. Establishment of fire training schools.

§ 15351. (Reserved).

§ 15352. Establishment of fire training schools.

(a) Appropriations.--The county commissioners may appropriate annual money to lawfully organized or incorporated county or regional firemen's associations to establish, equip, maintain and operate, and the county commissioners may 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 the county.

(b) Regional fire training schools.--If a firemen's association is comprised of residents of two or more counties or contemplates operation of a regional fire training school in two or more counties, the county commissioners may appropriate money to the association.

SUBCHAPTER H.1

FIRE MARSHAL AND ASSISTANT FIRE MARSHALS IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

Sec.

15353. Appointment.

§ 15353. Appointment.

(a) Appointment.--The county commissioners of a county of the third, fourth, fifth, sixth, seventh and eighth class may appoint a fire marshal and assistant fire marshals as necessary to perform duties relating to the prevention and control of fire as the county commissioners deem to be in the best interests of the county.

(b) Duties.--A fire marshal or assistant fire marshal may not be assigned duties that will conflict with fire marshals or municipal fire marshals or powers relating to the control of fires conferred by law upon the Pennsylvania State Police.

(c) Compensation.--Compensation for the fire marshal and assistant fire marshals shall be set by the county salary board.

SUBCHAPTER I

UTILITIES

Sec.

15355. Drilling gas wells and laying gas lines.

15356. Contracts for relocation, change or elevation of railroads.

15357. County may assist municipalities.

§ 15355. Drilling gas wells and laying gas lines.

(a) Contracts.--For the purpose of furnishing gas for light and fuel to the county buildings and for other purposes, the county commissioners may contract for:

(1) The drilling of gas wells upon lands owned by the county.

(2) The laying of gas lines equipped with modern appliances and machinery as may be necessary.

(b) Procedure.--Contracts under this section, 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 Chapter 151 (relating to contracts).

§ 15356. Contracts for relocation, change or elevation of railroads.

The county commissioners may enter into contracts with a railroad company to relocate, change or elevate the 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.

§ 15357. County may assist municipalities.

(a) Assistance.--Upon the request of a political subdivision within a county, the county may assist the political subdivision in negotiations or a contest with a public utility company and may use or allow the political subdivision to use the legal, engineering, accounting or clerical service of the county.

(b) Intervention.--The county commissioners may enter their appearance as interveners or otherwise in a proceeding before the Pennsylvania Public Utility Commission or before a court in a proceeding involving a controversy between a political subdivision in the county and a public utility company.

SUBCHAPTER J

(Reserved)

SUBCHAPTER K

REWARDS AND BOUNTIES

Sec.

15371. Rewards for detection or apprehension of criminals.

15372. (Reserved).

§ 15371. Rewards for detection or apprehension of criminals.

(a) Rewards.--The county commissioners may offer a reward, in addition to that authorized by law, for information leading to the detection or apprehension of an individual charged with or perpetrating a felony or misdemeanor, or aiding or abetting.

(b) Payment of rewards.--Upon the conviction of an individual under subsection (a), the county commissioners may pay the reward out of the county treasury, but in no case may the owner of stolen property be entitled to the reward for the detection or apprehension of the individual who commits the offense of larceny.

(c) Misdemeanors.--In cases of misdemeanors, the county commissioners must have the approval of the president judge of the court of common pleas of the county before offering or paying a reward.

§ 15372. (Reserved).

SUBCHAPTER L

GARBAGE AND REFUSE DISPOSAL

Sec.

15375. Municipal waste processing and disposal in county facilities.

§ 15375. Municipal waste processing and disposal in county facilities.

(a) **Power.**--The county commissioners shall have the power to:

(1) operate or provide for the operation of municipal waste processing and disposal facilities, including municipal waste landfills, resource recovery facilities and recycling facilities; and

(2) enter into agreements or contracts with any person, corporation or political subdivision for the disposal of municipal waste in the facilities constructed and maintained by the county and charge and receive fees for services provided under this subsection.

(b) **Acquisition of real property.**--A county may acquire by gift, lease, purchase by current revenues, borrowing or incurring indebtedness or eminent domain real property within the county for the purpose of constructing any facility under subsection (a) or other buildings necessary to operate the facility. If private property is taken 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.

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

"Municipal waste landfill." As defined in the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Recycling facility." As defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Resource recovery facility." As defined in the Municipal Waste Planning, Recycling and Waste Reduction Act.

SUBCHAPTER M

(Reserved)

SUBCHAPTER N

APPROPRIATIONS TO INDUSTRIAL DEVELOPMENT AGENCIES

Sec.

15385. Appropriations to industrial development agencies by counties.

15386. (Reserved).

§ 15385. Appropriations to industrial development agencies by counties.

The county commissioners may annually appropriate amounts as deemed necessary to an industrial development organization, as defined in section 2301 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, to assist the agencies in the:

(1) financing of operational costs for the purposes of making studies, surveys and investigations and compiling data and statistics; and

(2) carrying out of planning and promotional programs.

§ 15386. (Reserved).

SUBCHAPTER O

SURPLUS FOODS AND FOOD STAMP PROGRAM

Sec.

15390. Appropriations for handling, storage and distribution of surplus foods.

15391. (Reserved).

§ 15390. Appropriations for handling, storage and distribution of surplus foods.

The county commissioners may appropriate from county money, or, in counties of the second class A and third class from county institution district money, money for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency.

§ 15391. (Reserved).

SUBCHAPTER P

HISTORICAL PROPERTY AND MUSEUMS

Sec.

15395. Acquisition, repair and maintenance of historical property.

15395.1. Contributions to museums of fine art or natural history.

§ 15395. Acquisition, repair and maintenance of historical property.

The county commissioners may acquire by purchase or by gift and repair, supervise, operate and maintain ancient landmarks and other property of historical or antiquarian interest that is listed or eligible to be listed in the National Register of Historic Places or designated as historic by resolution of the county commissioners.

§ 15395.1. Contributions to museums of fine art or natural history.

The county commissioners may appropriate money from county money for the purpose of contributing toward the cost of operating, maintaining or carrying out or furthering the purposes of institutes or museums of fine art or natural history that is:

- (1) located within the county on public property;
- (2) established by private grant or bequest;
- (3) open to the public; and
- (4) not used for private or corporate profit.

SUBCHAPTER P.1

LEGAL AID SERVICES

Sec.

15396. Appropriations for legal aid services.

§ 15396. Appropriations for legal aid services.

The county commissioners may appropriate money for payment to nonprofit legal aid associations or societies or county bar associations that provide legal aid services for indigent persons in civil matters in the county.

SUBCHAPTER Q

TRANSPORTATION AND TRAFFIC CONTROL DEVICES

Sec.

15397. Improvement of operation and facilities.

15398. Money for traffic control devices.

§ 15397. Improvement of operation and facilities.

The county commissioners may enter into contracts and long range cooperative programs with Federal, State and local

governmental agencies, public utilities or authorities for the improvement of transportation operations and facilities within and across county lines. The county commissioners may independently or in cooperation with any other county or municipality appropriate money annually in furtherance of transportation improvements and may also accept on behalf of the county gifts, grants and Federal and State loans in connection to a transportation improvement.

§ 15398. Money for traffic control devices.

The county commissioners may contribute money to any municipal corporation within the county for the erection and maintenance of any traffic signal, as defined under 67 Pa. Code § 212.1 (relating to definitions).

SUBCHAPTER R

(Reserved)

SUBCHAPTER S

APPROPRIATIONS FOR RECREATION AND HISTORIC AND MUSEUM PROJECTS OF MUNICIPAL CORPORATIONS, AUTHORITIES AND NONPROFIT ORGANIZATIONS

Sec.

15399. Appropriations for recreation and historic and museum projects.

§ 15399. Appropriations for recreation and historic and museum projects.

(a) Appropriations.--The county commissioners may appropriate county money for grants to assist municipal corporations and authorities within the county, as well as nonprofit organizations, in the purchase, acquisition, improvement, equipping or landscaping of the following:

- (1) lands;
- (2) buildings and facilities, along with the demolition of buildings and facilities;
- (3) parks, recreation areas, open space projects and other outdoor projects; and
- (4) historic and museum projects.

(b) Definitions.--As used in this section, the term "nonprofit organization" shall mean an entity which is tax exempt under section 501(a) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(a)), as amended, or any successor provisions, not operated for profit and organized to:

- (1) preserve or conserve open space, natural resources or natural habitats;
- (2) promote outdoor recreation and the acquisition and development of facilities related thereto; or
- (3) preserve sites of historical significance.

SUBCHAPTER T

APPROPRIATIONS TO INSTITUTIONS OF HIGHER LEARNING OR TO NONPROFIT EDUCATIONAL TRUSTS IN COUNTIES OF THE THIRD THROUGH EIGHTH CLASS

Sec.

15399a. Appropriations to institutions of higher learning or to nonprofit educational trusts.

§ 15399a. Appropriations to institutions of higher learning or to nonprofit educational trusts.

The county commissioners may appropriate county money in amounts as may be deemed necessary to any of the following

institutions or trusts located within the county to assist the institution or trust in the financing of the functions specified by the county commissioners:

- (1) Nonsectarian institutions of higher learning.
- (2) A nonprofit educational trust created for the purpose of constructing or maintaining facilities for Pennsylvania State System of Higher Education universities and State-related universities, including The Pennsylvania State University, Lincoln University, Temple University and the University of Pittsburgh.

SUBCHAPTER U

AGREEMENTS WITH FEDERAL GOVERNMENT FOR THE PROMOTION OF HEALTH OR WELFARE

Sec.

15399b. Federal health and welfare programs.

§ 15399b. Federal health and welfare programs.

(a) Agreements.--

(1) The county commissioners may enter into an agreement with the Federal Government or with any city, borough, town, township or nonprofit corporation or association located or carrying on the functions of the nonprofit corporation or association within the county or serving the residents of the county.

(2) The county commissioners may only enter into an agreement under paragraph (1) with a city, borough, town, township, nonprofit corporation or association that has or will contract with the Federal Government or the Commonwealth whereby the Federal Government will provide a portion of the money necessary, payable either to the county or State or directly to the city, borough, town, township, nonprofit corporation or association to provide a program not in conflict with a Federal or State program for the promotion of the health or welfare of the Commonwealth's residents.

(b) Donations.--The county may accept gifts or grants of money, property or services from any source, public or private, and may appropriate money as may be necessary to carry out a program under subsection (a).

SUBCHAPTER V

APPROPRIATIONS FOR RESERVOIRS AND WATER RESOURCES

Sec.

15399c. Appropriations for reservoirs and water resources.

§ 15399c. Appropriations for reservoirs and water resources.

(a) Facilities.--

(1) The county 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 groundwater resources and all related structures, appurtenances and equipment necessary for the use of dams, reservoirs, wells and other facilities.

(2) The county commissioners may acquire by purchase, lease, gift or the exercise of power of eminent domain, sites for a facility listed under paragraph (1) in accordance with the following:

- (i) The county commissioners shall obtain a permit from the Department of Environmental Protection whenever a permit is required by law.

(ii) The county commissioners may not acquire by the exercise of power of eminent domain the property of a public utility subject to the jurisdiction of the Federal Energy Regulatory Commission or the Pennsylvania Public Utility Commission.

(b) Agreements and contracts.--The county commissioners may enter into:

(1) agreements for the regulation of withdrawals, diversions and sales of waters from dams, reservoirs, wells and other facilities, subject to the approval of Federal, State 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 county commissioners may not be used for the generation of electric energy; and

(2) contracts or long-range cooperative programs with Federal, State, interstate and local government agencies or public utilities for the development and use of the county's water resources.

(c) Regulation of agreements and contracts.--

(1) It shall be lawful for any county to execute agreements and contracts as deemed necessary or advisable with an authority organized by the county to:

(i) 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 groundwater resources and all necessary related structures, appurtenances and equipment;

(ii) grant, convey, lease, transfer, encumber, mortgage and pledge to the authority the dams, reservoirs, wells and related facilities and any improvements and additions; and

(iii) assign and pledge to the authority rentals, rates and charges charged and collected by the authority and to assign to the authority the power to collect the rentals, rates and charges.

(2) An agreement, contract, grant, conveyance, lease, assignment, encumbrance, mortgage or pledge under paragraph (1) shall not be construed to prevent the affected county from using tax revenues for the purpose of maintaining, repairing, altering, inspecting or improving the dams, reservoirs, wells and related facilities.

(d) Sale of water.--A county may enter into an agreement and contract for the sale of water to a municipality, authority or public utility at a reasonable and uniform rate to be determined exclusively by the county.

SUBCHAPTER W

TOURIST PROMOTION AGENCIES

Sec.

15399d. Tourist promotion agencies and appropriations.

§ 15399d. Tourist promotion agencies and appropriations.

(a) Creation.--The county commissioners may create or join with other counties in the creation of a tourist promotion agency, as defined under the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act, 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 the county or counties.

(b) Appropriation.--The county commissioners may appropriate annually an amount of money as may be deemed necessary to any tourist promotion agency, as defined under the Tourism Promotion Act, to assist the agencies in carrying out tourism promotional activities.

SUBCHAPTER X

CRIME DETECTION LABORATORY AND POLICE TRAINING SCHOOL IN COUNTIES OF THE THIRD CLASS

Sec.

15399e. Crime detection laboratories and police training schools.

§ 15399e. Crime detection laboratories and police training schools.

The county commissioners of a county of the third class may appropriate money and provide for establishing a crime detection laboratory and police training school for the:

- (1) use of any political subdivision situated within the county; and
- (2) training of police employed by the political subdivision.

SUBCHAPTER Y

PARKING FACILITIES

Sec.

15399f. Parking facilities.

§ 15399f. Parking facilities.

(a) Appropriation.--The county commissioners may appropriate money from the county treasury for purchasing, constructing, maintaining and operating a motor vehicle parking facility to be used as a county facility.

(b) Lease.--The county commissioners, or a municipal authority created by the county commissioners, may lease a parking facility, or the land to be used for a parking facility, to a city, borough or township in which the parking facility is located or shall be constructed or a parking authority created by the city, borough or township.

(c) Authorization.--The county commissioners may create and appropriate money to a municipal authority under subsection (b).

SUBCHAPTER Z

REVENUE BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS

Sec.

15399g. Issuance of revenue bonds for industrial development projects.

§ 15399g. Issuance of revenue bonds for industrial development projects.

(a) General rule.--

(1) The county commissioners may issue revenue bonds of the county under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) to provide sufficient money for and toward the acquisition, construction, reconstruction, extension, equipping or improvement of an industrial development project.

(2) A project under paragraph (1) may consist of any building or facility, or combination or part of a building or facility, occupied or utilized by an industrial,

manufacturing or research and development enterprise existing or acquired on January 12, 1968, including any 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 or incidental to the building or facility for the purposes of the project.

(3) A bond issued under paragraph (1) shall 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 the facility or for the use or services of the facility.

(b) Lease of project.--An industrial development project financed by the issuance of revenue bonds under this section 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.

(c) Costs of bond issue.--Included in the cost of the bond issue may be any costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

(d) Transfer.--The county commissioners may:

(1) Sell, lease, lend, grant, convey, transfer or pay over the following, with or without consideration, to any authority created under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law:

(i) a project or part of a project; or

(ii) any interest in real or personal property or money available for industrial development purposes, including the proceeds of revenue bonds issued for industrial development purposes under subsection (a).

(2) Assign, transfer and set over to an authority any project or interest in real or personal property listed under paragraph (1), along with any contract for the project or interest, which may have been awarded for the construction of projects not begun or not completed.

(e) Power to enter into contract.--The county commissioners may enter into a contract or agreement with an authority or with a tenant or proposed tenant of an industrial development project and to do all things necessary or proper to effectuate the public purpose of this section.

SUBCHAPTER Z.1

GRANTS TO NONPROFIT ART CORPORATIONS

Sec.

15399h. Grants to nonprofit art corporations.

§ 15399h. Grants to nonprofit art corporations.

(a) Authorization.--The county commissioners may make grants annually, not exceeding an amount equal to one mill of the real estate tax to nonprofit art corporations for artistic and cultural activities.

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

"Artistic and cultural activities." The term includes the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing.

"Nonprofit art corporation." 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.

SUBCHAPTER Z.2
COMMISSION ON WOMEN

Sec.

15399i. Commission on the status of women.

§ 15399i. Commission on the status of women.

The county commissioners may establish a commission on the status of women.

SUBCHAPTER Z.3
CIVIL SERVICE IN COUNTIES OF THE SECOND CLASS A

Sec.

15399j. Civil service for certain employees.

§ 15399j. Civil service for certain employees.

The county commissioners of a county of the second class A may establish by ordinance a merit system for the selection, tenure, promotion and discharge of employees involved in any work for which the county receives or is eligible to receive Federal or State grants-in-aid.

SUBCHAPTER Z.4
INSURING COUNTY AGAINST LOSS OR LIABILITY

Sec.

15399k. Insurance.

§ 15399k. Insurance.

(a) **General rule.**--The county commissioners may provide for insurance as they deem appropriate on the real and personal property of the county, including all grounds, buildings and contents, vehicles and information technology.

(b) **Types of insurance.**--In addition to any form of comprehensive, general or umbrella liability insurance, the board of commissioners may acquire insurance against any form of loss or liability, including crime, fire, natural disaster, errors and omissions of officers or employees, vehicle operation and use of information technology.

SUBCHAPTER Z.5
LOT AND BLOCK SYSTEM IN
COUNTIES OF THE SECOND CLASS A

Sec.

15399l. Lot and block system.

15399m. Duties of county officers and employees under lot and block system.

§ 15399l. Lot and block system.

A county of the second class A which, on December 24, 2018, has adopted and maintains a lot and block system for the registration of land titles, for the accumulation of county tax liens and for the enumeration of the parcels of real estate for the assessment of real estate taxes in one or more political subdivisions of the county may continue to operate a lot and block system until the board of commissioners deem appropriate.

Cross References. Section 15399l is referred to in section 15399m of this title.

§ 15399m. Duties of county officers and employees under lot and block system.

(a) Custody of records.--If a lot and block system under section 15399l (relating to lot and block system) remains in effect, the portion of the system relating to the plats, plat books and the upkeep of the plats and plat books shall remain in the custody of the deed registry office of the county. The portion of the system containing the files, cards, indexes and other records relating to the liening of county taxes shall remain in and be maintained by the office of the controller of the county.

(b) Assessments.--

(1) The district assessors appointed by the county board of assessment appeals, whose assessments are being made within the municipal subdivisions that have had the lot and block system completed, shall use the lot and block system descriptive numbers in the original books of assessment.

(2) The board of assessment appeals shall, within municipal subdivisions covered by a lot and block system, correct any assessment in which the lot and block system descriptive number is absent.

(3) The recorder of deeds shall receive and record any deed that refers to a specific parcel of real estate. If the deed does not bear the certification by the custodian of the lot and block system that the descriptive numbers incorporated in the description of the real estate are correct, the recorder of deeds shall obtain the certification from the custodian of the lot and block system before transcribing any deed lacking the certification.

(4) The treasurer or tax collector of each city, borough, town, township or school district in which the lot and block system has been completed under the order of court shall place upon each tax bill sent out, and upon each tax receipt issued upon payment, the lot and block system descriptive numbers.

(5) The county controller and the treasurer, tax collector or solicitor, as the case may be in a city, borough, township or school district, within which the lot and block system has been completed, shall, at the time of filing liens for unpaid taxes with the prothonotary, set forth on the liens the individual lot and block system descriptive numbers, and the prothonotary may not receive and file a lien unless the descriptive numbers are contained on the lien.

(6) For the purposes of the sale of real estate for delinquent taxes, either by the sheriff of the county, the board of commissioners and treasurer of the county or the treasurer of a city, borough, town, township or school district, the lot and block system descriptive numbers are declared to be sufficient description for the:

- (i) advertising preceding the sale;
- (ii) oral description read at the sale prior to receiving bids; and
- (iii) purposes of the description to be inserted in any tax deed to be given to the purchaser at the sale.

CHAPTER 155

MILITARY AND VETERANS AFFAIRS

Subchapter

A. Appropriations for Military Purposes

- B. Interment of Deceased Servicepersons and Surviving Spouses
- C. Memorial Observances

Enactment. Chapter 155 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
APPROPRIATIONS FOR MILITARY PURPOSES

Sec.

15501. Appropriation of money or land for National Guard Armories.

15502. Appropriation for maintenance of National Guard.

15503. Appropriation to rifle clubs in time of war.

§ 15501. Appropriation of money or land for National Guard Armories.

(a) **Conveyance of land.**--The county commissioners may convey land to the Commonwealth to assist the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard. The county commissioners may acquire land for this purpose in a lawful manner.

(b) **Board.**--The county commissioners may furnish water, light or fuel, free of cost to the Commonwealth, for use in an armory of the National Guard and may do all things necessary to accomplish this purpose.

§ 15502. Appropriation for maintenance of National Guard.

(a) **Authorization.**--The county commissioners may make appropriations for the support, maintenance, discipline and training of one or more units of the National Guard. If 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) **Requirements.**--All money appropriated under subsection (a) shall be paid to the order of the commanding officer of the company, battalion, regiment or similar organization if the Adjutant General certifies to the county commissioners that the unit or units have satisfactorily passed the annual inspection provided by law. The money appropriated shall be used and expended solely and exclusively for the support, maintenance, discipline and training of the company, battalion, regiment or similar organization, and the commanding officer shall account by proper vouchers to the county each year for the expenditure of the money appropriated.

(c) **Subsequent expenditures.**--The county commissioners may not make an appropriation under subsection (a) for a subsequent year until the commanding officer has duly and satisfactorily accounted for the expenditure of the previous year.

(d) **Inspection.**--Accounts of expenditures shall be subject to the inspection of the Department of Military and Veterans Affairs and shall be audited by the auditors or the controller in the manner provided by law for the audit of accounts of county money.

§ 15503. Appropriation to rifle clubs in time of war.

(a) **Appropriation.**--If a state of war exists, the county commissioners may appropriate money to civilian rifle clubs, duly chartered by the National Rifle Association of America, for the:

- (1) maintenance and rental of rifle ranges;
- (2) employment of competent instructors and necessary employees; and

(3) equipment and uniforms for the members of clubs who volunteer for special military duty in the members' respective counties or answer a call of the Governor.

(b) Restriction.--Money may not be appropriated to a club under this section unless practice by the members of the club on a rifle range is with a United States military rifle or arms approved by the Adjutant General.

SUBCHAPTER B
INTERMENT OF DECEASED SERVICEPERSONS
AND SURVIVING SPOUSES

Sec.

- 15508. Definitions.
- 15509. Funeral expenses of deceased servicepersons.
- 15510. Interment of spouses of deceased servicepersons.
- 15511. Payment.
- 15512. Flagholders for graves.
- 15513. Memorial benefit.
- 15514. Burial plots.
- 15515. Care of graves and headstones.
- 15516. Determining eligibility for interment benefits.

§ 15508. Definitions.

As used in this subchapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Deceased serviceperson." The term includes:

(1) A deceased individual who, at the time of death, was serving, whether or not in a combat zone, in the Army, Navy, Air Force, Marine Corps, Coast Guard or a women's organization officially connected to those forces, during a war or armed conflict in which the United States has been, is now or shall be engaged, or who, at the time of death, was serving in a zone in which 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 in the conflict as well as the fact that the deceased person served in a zone in which a campaign or state or condition of war or armed conflict existed shall, in each case, be established by the records of the United States Department of Defense.

(2) A deceased individual who served at any time during the individual's life and whose separation from service was honorable, whether by discharge or otherwise, or who, at the time of death, was continuing in service after the cessation of the war, armed conflict, campaign or state or condition of war during or in which the person served.

(3) A deceased individual who was in active service in the militia of the Commonwealth under a proclamation issued by the Governor during the Civil War and who was not duly mustered into the service of the United States but was honorably discharged or relieved from service.

"Legal residence." An actual residence, coupled with the intention that the residence shall be permanent, or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period. Legal residence shall be determined by the abode of a person and the person's intention to abandon a former domicile and establish a new one. The legal residence of a deceased serviceperson shall be prima facie in the county in which the person resided at the time of death.

§ 15509. Funeral expenses of deceased servicepersons.

(a) Contributions.--In accordance with subsection (b), each county shall contribute at least \$75 towards the funeral expenses of each deceased serviceperson if application for the contribution is made within one year after the date of the deceased serviceperson's death. For a deceased serviceperson who died while in service, application may be made at any time.

(b) Uniform contribution.--All contributions made under this section shall be uniform as to eligible deceased servicepersons within the same calendar year.

(c) Payments.--Payments under this section shall be made under the following circumstances:

(1) If the deceased serviceperson, at the time of death, had a legal residence in the county to which an application for a contribution under subsection (a) has been made, regardless of if the person died or was interred in the county. Every deceased serviceperson having a legal residence in this Commonwealth at the time of death shall be entitled to the benefits of this section, regardless of where the individual died or where the individual is interred, and the liability shall be on the county where the deceased serviceperson shall have had legal residence at the time of death.

(2) If the deceased serviceperson died and was interred in the county to which an application for a contribution under subsection (a) has been made, but, at the time of death, did not have legal residence within this Commonwealth, if the county commissioners in the county in which the individual died are notified in writing by an organization of veterans, and upon investigation finds, that the body is unclaimed by relatives or friends.

Cross References. Section 15509 is referred to in section 15511 of this title.

§ 15510. Interment of spouses of deceased servicepersons.

(a) General rule.--Upon application and proof, the county shall contribute at least \$75 towards the funeral expenses of a spouse of a deceased serviceperson who, at the time of death, had a legal residence in the county, regardless of if the individual died or is interred in the county.

(b) Limitation.--The county may not contribute money toward the funeral expenses of a spouse of a deceased serviceperson who had remarried after the death of the deceased serviceperson.

(c) Uniform contribution.--In each case, application for the contribution shall be made within one year after the date of the death of the spouse. All contributions made under this section shall be uniform as to eligible spouses within the same calendar year.

Cross References. Section 15510 is referred to in section 15511 of this title.

§ 15511. Payment.

(a) Funeral expenses.--The county shall make a payment in the amount authorized or required under section 15509 (relating to funeral expenses of deceased servicepersons) or 15510 (relating to interment of spouses of deceased servicepersons) for each deceased serviceperson or spouse of a deceased serviceperson in accordance with this subchapter.

(b) Money.--A payment under this subchapter shall be paid out of the money of the county.

(c) Payments.--Payments under this subchapter shall be made payable to the applicant if the application shows that the

funeral expenses have been paid. Otherwise, payments shall be made to the funeral director performing the services, with notice to the applicant.

(d) Applications.--Application for contributions under this subchapter shall be made by a personal representative or spouse of the deceased serviceperson. If no qualified personal representative is available, the application may be made by the next of kin of the deceased serviceperson, an individual or a veterans' organization, that shall assume responsibility for the cost of burial. The facts contained in the application shall be sustained by affidavit. An individual who knowingly files an application under this section that is false in any material manner commits a misdemeanor in accordance with 18 Pa.C.S. § 4903 (relating to false swearing).

(e) Application.--The application shall be:

(1) on a form prescribed by the Department of Military and Veterans Affairs and shall verify whether the funeral expenses have been paid; and

(2) attached to a certified copy of the death certificate and an affidavit prepared by the funeral director who had charge of the interment, which certifies that the funeral director did render the service.

§ 15512. Flagholders for graves.

(a) Flagholders.--The county commissioners shall, at the county commissioners' discretion, procure appropriate flagholders for the graves of deceased servicepersons and the graves of all other deceased individuals who served in the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine during World War II or an organization officially connected to those forces and whose separation from service was honorable, whether by discharge or otherwise.

(b) Material of flagholder.--A flagholder shall be of bronze, aluminum or other suitable weather-resistant material.

(c) Requirement for flagholders.--The county commissioners shall place a flagholder under subsection (a) if the deceased individual:

(1) had legal residence in the county, regardless of if the individual died or is interred in the county; or

(2) did not have a legal residence within this Commonwealth.

(d) Design of flagholders.--

(1) If a deceased serviceperson was a veteran of a war or campaign for which the Federal Government issued discharge buttons, the flagholder designated for the grave shall include a facsimile of the discharge button.

(2) If a deceased serviceperson was a veteran of the Korean Conflict, the flagholder designated for the grave shall include a circular emblem with the words "Korea, U.S., 1950-1953" in the border and shall incorporate the insignia of the Army, Navy, Marine Corps, Air Force or Coast Guard, as appropriate, in the form approved by the State Veterans' Commission.

(e) Memorial certificate.--For a county of the second class A, in lieu of placing a flagholder on the grave, if the next of kin of a veteran so requests, a memorial certificate may be issued to the next of kin of a deceased serviceperson who, at the time of death, had legal residence in the county, regardless of if the individual died or is interred in the county. The memorial certificate shall indicate the deceased serviceperson's name and designate the war or campaign in which the deceased serviceperson served.

§ 15513. Memorial benefit.

(a) Memorial.--The county commissioners shall provide, either directly or through reimbursement, a memorial designated in subsection (b) on the graves of deceased servicepersons who, at the time of death, had legal residence in the county as well as on the graves of all other deceased servicepersons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine during World War II or an organization officially connected to those forces and whose separation from service was honorable, whether by discharge or otherwise.

(b) Specifications.--The county commissioners shall provide a concrete or granite base for a headstone provided by the Federal Government or, if lettering only on an existing memorial is desired by the family, the county commissioners shall provide the lettering.

(c) Commissioner requirements.--In the event the body of a deceased serviceperson either cannot or will not be returned to the United States, the county commissioners shall provide a memorial benefit in the family plot of the deceased serviceperson. If lettering of an existing memorial is desired by the family, the inscription shall include:

(1) the name, rank and organization of the deceased serviceperson;

(2) the name of the country, location or manner in which the person lost his or her life; and

(3) the cemetery or other interment site where the deceased serviceperson is interred, if any.

(d) Expense for benefit.--The expense for a benefit provided under this section shall be paid by the county in which the deceased serviceperson had legal residence at the time of death, regardless of if the individual died or is interred in the county. The expense may not exceed the actual cost of providing the concrete or granite base or lettering. The county commissioners shall pay from the treasury to the party furnishing the benefit.

(e) Legal disputes.--In cases of dispute concerning the legal residence of a deceased serviceperson, the county in which a deceased serviceperson is interred shall perform the duties required under this section. Payment may not be made unless the application is approved by the county commissioners before the commencement of the project.

(f) Offense.--An individual who intentionally or recklessly destroys, mutilates, removes or defaces a grave marker, headstone or flagholder commits an offense under 18 Pa.C.S. § 3903 (relating to grading of theft offenses).

Cross References. Section 15513 is referred to in sections 15516, 15521 of this title.

§ 15514. Burial plots.

(a) Authorization.--The county commissioners are authorized to purchase plots of ground in each cemetery or other interment site for the interment of deceased servicepersons whose bodies are entitled to be interred under this subchapter.

(b) Costs.--Costs under this section shall be paid by the county commissioners from the county treasury.

(c) Limitation.--The purchase price of plots of ground may not be charged against or allotted as part of the cost of interment of deceased servicepersons who may be interred in any of the plots under this subchapter.

§ 15515. Care of graves and headstones.

(a) General rule.--The county commissioners may:

(1) ensure that the graves and headstones of all deceased servicepersons and all other veterans who are buried in the county receive proper and fitting care; and

(2) employ all necessary assistants to carry out the provisions of this section.

(b) Expenses.--The expense of the care of the graves and headstones under subsection (a) may be paid for by the county in which the graves are located, except if suitable care is otherwise provided.

(c) Spending of money.--Money appropriated may be expended directly by the board of county commissioners or paid over to the individual, firm, association or corporation owning or controlling a cemetery or other interment site in the county in which a grave is situated.

(d) Limitation.--The amount paid to care for a grave each year under this section may not exceed the charge for the annual care and maintenance of similar graves in the same cemetery or, if no fixed charge is established in that cemetery, may not exceed the sum charged in other cemeteries in the same county for similar services.

§ 15516. Determining eligibility for interment benefits.

(a) Proof required.--If application is made for a contribution toward the funeral expenses of a deceased serviceperson or the surviving spouse of a deceased serviceperson or for a memorial benefit under section 15513 (relating to memorial benefit), the county commissioners shall, before expending money, require proof of the following:

(1) The service of the deceased serviceperson that entitles the individual or the surviving spouse to the benefits under this subchapter. Proof shall be made by the production of:

(i) an honorable discharge or other official record showing service during a war in which the United States is or was engaged; or

(ii) records of the United States Department of Defense, or copies filed in the Department of Military and Veterans Affairs, showing the existence of a campaign or state or condition of war in which the United States participated and the service of the deceased serviceperson in a zone in which a campaign or state or condition of war existed.

(2) The death of the deceased serviceperson.

(3) In addition to paragraphs (1) and (2), for the interment of the surviving spouse of a deceased serviceperson, the death of the surviving spouse and the fact that the spouse was married to the deceased serviceperson at the time of the serviceperson's death and that the spouse has not since remarried.

(4) Except for individuals who do not have legal residence within this Commonwealth and who are entitled to any of the benefits under this subchapter, the legal residence within the county of the deceased serviceperson or of the surviving spouse of a deceased serviceperson, as the case may be.

(b) Documentation required.--Death shall, in all cases, be proven by a death certificate, if procurable, or by one of the following:

(1) Affidavit of one or more individuals personally acquainted with the deceased and the fact of the individual's death.

(2) Proof of the record of death kept by the attending physician.

(3) Proof of the record of interment kept by the funeral director.

(4) Records of the church burial association or cemetery company maintaining the graveyard, burial ground, cemetery or other interment site in which the deceased serviceperson was interred.

(c) Satisfaction of proof.--If proof required by this subchapter has been furnished to the county commissioners, no further proof of the facts shall be required in order to obtain any other benefit under this subchapter.

SUBCHAPTER C MEMORIAL OBSERVANCES

Sec.

15521. Appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day.

15522. Flags to decorate graves.

15523. Compilation of war records.

15524. Director of veterans' affairs.

§ 15521. Appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day.

(a) Appropriations.--The board of commissioners of a county may make appropriations to aid in defraying the expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day to each camp, post, detachment or organization in the county of the following:

- (1) The United Spanish War Veterans.
- (2) The American Legion.
- (3) The Veterans of Foreign Wars.
- (4) The Veterans of World War I of the USA, Inc.
- (5) AMVETS.
- (6) The Society of the Twenty-eighth Division, AEF, Incorporated.
- (7) Italian American War Veterans of the United States, Incorporated.
- (8) The Marine Corps League.
- (9) Each naval association.
- (10) The Grand Army of the Republic.
- (11) The Disabled American Veterans.
- (12) The American Gold Star Mothers.
- (13) The Sons of Union Veterans of the Civil War, the Daughters of Union Veterans of the Civil War or, in the absence of orders, a duly constituted organization that decorates graves of Union Veterans of the Civil War.
- (14) Any other nationally chartered veterans' organization or other veterans' organization recognized by the county.

(b) Payments.--Payments under this section shall be made to defray actual expenses only. Before any payment is made, the organization receiving the payment shall submit verified accounts of their expenditures.

Cross References. Section 15521 is referred to in section 15523 of this title.

§ 15522. Flags to decorate graves.

(a) Memorial Day flags.--The board of county commissioners shall provide flags on each Memorial Day with which to decorate the graves of all deceased servicepersons and the graves of all other deceased individuals who served in the Army, Navy, Air

Force, Marine Corps, Coast Guard or Merchant Marine during World War II or an organization officially connected to those forces, whose separation from service was honorable and who are interred within the county. Flags provided under this section shall be standard size, colorfast and American made and shall be purchased at the expense of the county from money in the county treasury.

(b) Veterans' organizations.--A county may coordinate with local veterans' organizations to ensure that cemeteries are decorated in compliance with the provisions of this section. Flags required under this section shall be furnished to the various veterans' organizations in numbers required for their respective communities.

(c) Appropriations.--Money expended by a county under this section shall be in addition to money appropriated by counties for Memorial Day purposes.

(d) Maintenance.--

(1) Annually, the authorities in charge of each cemetery are authorized to remove flags as follows:

(i) A cemetery may remove flags when flags become unsightly or weatherworn any time on or after the first working day after Veterans' Day. Prior to Veterans' Day, a cemetery may request replacement flags from the county which may be used by the cemetery to replace weatherworn flags, if replacement flags are available.

(ii) Notwithstanding subparagraph (i), a cemetery may remove flags as a part of the cemetery's normal course of maintenance not before the first working day after Independence Day, but prior to Veterans' Day provided that the cemetery makes the flags available to family members, veterans' organizations or other community organizations for the purpose of decorating graves in recognition of Veterans' Day.

(2) A cemetery may remove flagholders for annual storage upon the authorized removal of flags.

(e) Removal of flags by family members.--A family member of an individual whose grave is decorated with a flag by the county for the purpose of Memorial Day may take and keep the flag after the first working day after Veterans' Day.

(f) Offense.--Except as otherwise provided in this section, an individual, other than a family member removing the flag from a deceased relative's grave, who removes or causes the removal of flags prior to the first working day after Independence Day commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$300 and, upon failure to pay a fine, to undergo imprisonment not to exceed 90 days.

(g) Exception.--A cemetery or an owner, employee, agent or contractor of a cemetery who removes or causes the removal of a flag, grave marker, headstone, flagholder or other memorial in good faith in the course of maintenance, repair or mitigation of damage may not be subject to subsection (f) or section 15513(f) (relating to memorial benefit).

§ 15523. Compilation of war records.

(a) Records required.--The county commissioners are authorized and directed, at the expense of the county, to compile a record of the interment sites within the county of deceased servicepersons and all other veterans. Records, so far as practicable, shall indicate the:

- (1) name of each deceased serviceperson;
- (2) service in which the individual was engaged;
- (3) number of the regiment, company or command in which the individual served;

- (4) individual's rank and period of service;
- (5) name and location of the cemetery or other place in which the individual's body is interred; and
- (6) location of the deceased individual's grave and the character of headstone or other marker, if any, at the grave.

(b) Title of record.--The record shall be known as the Veterans' Grave Registration Record of County, and shall be a public record, open to inspection during business hours.

(c) Record blanks.--The county commissioners shall ensure that record blanks are prepared, according to forms prescribed by the Department of Military and Veterans Affairs, whereby the information required for the record may be transmitted to the county commissioners upon request.

(d) Certificate required.--Every individual, firm, association or corporation, including a municipal corporation, owning or controlling a cemetery or interment site in this Commonwealth which inters bodies of deceased servicepersons shall file with the director of veterans' affairs of the county in which the cemetery is located a certificate, on the record blanks provided by the county commissioners, of the facts required for the record if the facts are within the knowledge of the individual, firm, association or corporation or a designated agent.

(e) Offense.--The county commissioners shall ensure that record blanks are distributed to an individual, firm, association or corporation, as the county commissioners deem advisable, with the request that the information required under this section be transmitted to the county. An individual, firm, association or corporation, except municipal corporations, that refuses or neglects to fill out and transmit to the county commissioners the blanks or forms within six months after receipt of the blanks or forms commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$100.

(f) Location of interment sites.--For the purpose of locating the interment sites of individuals who have served in the armed forces of the United States during a war or armed conflict in which the United States was engaged, any veterans' organization listed in section 15521(a) (relating to appropriations to veterans' organizations for expenses of Memorial Day, Veterans' Day, Flag Day and Independence Day) or recognized by the county may, without expense to the county, collect the required data and prepare and file certificates with the county commissioners, including the information required under this section.

(g) Written notice.--Notwithstanding any provision to the contrary, any organization that accepts remains under section 506.2 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, which allows certain veterans' service organizations to claim the remains of certain deceased veterans, shall give written notice of the location and manner of the final disposition of the remains to the director of veterans' affairs of the county in which the final disposition of the remains is made.

§ 15524. Director of veterans' affairs.

(a) Appointment.--The county commissioners shall appoint an eligible individual under 51 Pa.C.S. § 1731(a) (relating to accreditation) to serve as the county's director of veterans' affairs, who shall receive compensation as fixed by the salary board.

(b) Responsibility of director.--A county's director of veterans' affairs shall:

(1) Assist all veterans and their families in securing rights relating to their person, property and care of family under any Federal or State laws.

(2) Assist the county commissioners in administering the provisions of this subchapter which relate to the interment of deceased servicepersons and their surviving spouses and furnishing flagholders and placing headstones on graves.

(3) Compile and maintain war records and records of interment sites of deceased servicepersons in accordance with the provisions of this subchapter.

(4) Perform other duties provided by statute, including the duties required under 51 Pa.C.S. § 1731(c).

(c) Compensation.--For services performed under subsection (b), the director of veterans' affairs of a county shall be entitled to expenses incurred and additional compensation. Both expenses and compensation shall be subject to the approval of the salary board.

CHAPTER 157

PUBLIC HEALTH

Subchapter

- A. General Provisions
- B. (Reserved)
- C. County Health Aid to Institutions and Political Subdivisions
- D. Insect Control
- E. Care of Dependents and Children
- F. Training for County Health, Welfare and Probation Personnel
- G. (Reserved)
- H. General Hospitals

Enactment. Chapter 157 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

15701. Health work.

§ 15701. Health work.

The county commissioners may provide and annually appropriate from money in the county treasury not otherwise appropriated an amount deemed necessary for the protection of the health, cleanliness, convenience, comfort and safety of the people of the county.

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

COUNTY HEALTH AID TO INSTITUTIONS AND POLITICAL SUBDIVISIONS

Sec.

15730. Appropriations to hospitals, health clinics and homes.

15731. (Reserved).

15732. Aid to municipal corporations for sewage purposes.

15733. Aid to municipal corporations for water systems.

§ 15730. Appropriations to hospitals, health clinics and homes.
The county commissioners may make appropriations to support:
(1) a hospital, health clinic or comparable facility that is engaged in charitable work and extends treatment and medical attention to residents of the county; and
(2) a home or place of detention of dependent, delinquent and neglected children located within the county.

§ 15731. (Reserved).

§ 15732. Aid to municipal corporations for sewage purposes.
The county commissioners may make appropriations to aid municipal corporations in the construction or maintenance of sewers or wastewater treatment facilities if the project has received all necessary approvals or permits from the Department of Environmental Protection.

§ 15733. Aid to municipal corporations for water systems.
The county commissioners may make appropriations to aid municipal corporations in the construction or maintenance of public water systems if the project has first received all necessary approvals or permits from the Department of Environmental Protection.

SUBCHAPTER D INSECT CONTROL

Sec.

15750. Elimination and abatement of larvae breeding places and liens.

15751. Not to affect public water supply.

15752. Appropriations.

§ 15750. Elimination and abatement of larvae breeding places and liens.

(a) Authorization.--

(1) The county commissioners of counties of the third, fourth, fifth, sixth, seventh and eighth class may eliminate breeding places of mosquitoes on private or public property within the county.

(2) The county commissioners may provide for all acts, including entry upon private or public property, to carry out plans which, in the county commissioner's opinion and judgment through consultation with public health or veterinary officials, are deemed to be necessary for the preservation of human or animal health by the elimination of breeding places of mosquitoes or which will tend to exterminate disease-carrying mosquitoes within the county.

(b) Public nuisance abatement.--

(1) Any water in which mosquito larvae breed is declared a public nuisance and subject to abatement.

(2) If a 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 county commissioners, be abated, the county commissioners shall, in writing, order the owner of the lands to abate the public nuisance within a reasonable period and in a manner to be specified in the order.

(3) If the owner has failed to comply with an order at the expiration of the period under paragraph (2), or if the owner of the land cannot be ascertained or found, the county commissioners shall abate the public nuisance and may assess all or part of the cost of the abatement against the lands on which the breeding place exists. The county commissioners may file municipal liens for the assessments within the time and in the manner provided by law, to be subject in all

respects to the general law providing for the filing and recovery of municipal liens.

§ 15751. Not to affect public water supply.

An order of abatement may not authorize and the county commissioners may not employ any method of extermination by a municipality or a water supply company which affects waters used and useful in the supply of water to the public. Manmade pools which allow mosquito propagation are subject to be targeted first, and strategies shall be supported that minimize environmental impact.

§ 15752. Appropriations.

The county commissioners may appropriate the amount of money necessary for the purpose of carrying out the provisions of this subchapter. The amount appropriated under this section may not exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county in a given year. The amounts appropriated under this section shall be paid out by the county treasurer on the orders of the county commissioners.

SUBCHAPTER E

CARE OF DEPENDENTS AND CHILDREN

Sec.

- 15760. Definitions.
- 15761. County institution districts abolished.
- 15762. Records.
- 15763. Powers and duties.
- 15764. Further powers and duties.
- 15765. Referral by Department of Human Services.
- 15766. Provision for burial.
- 15767. (Reserved).
- 15768. Powers and duties of county commissioners relating to children.
- 15769. Contributions for medical care.
- 15770. Inspections by Department of Human Services.
- 15771. Reports of individuals applying for treatment of disease.
- 15772. Rules and regulations.
- 15773. Providing services without charge prohibited.
- 15774. Payments by county commissioners for assistance.
- 15774.1. Limitation of authority respecting public assistance recipients.
- 15775. (Reserved).
- 15776. (Reserved).
- 15777. (Reserved).

§ 15760. Definitions.

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

"Dependent." An indigent individual requiring public care, including maintenance, medical care, clothing and incidentals, due to physical or mental health needs or disability.

"Institution." A hospital, health care clinic or comparable facility.

"Institution district." A county institution district managed by the county commissioners.

"Public charge." An individual who is unable to maintain the individual and who requires and receives aid from the Commonwealth or from any political subdivision.

§ 15761. County institution districts abolished.

Each county institution district in counties of the fourth, fifth, sixth, seventh and eighth class is abolished. The

property, real and personal, of each county institution district existing on July 31, 1963, is transferred to and vested in the county in which the institution district is located. The indebtedness of an institution district, regardless of if current or bonded, incurred in the acquisition of property or erecting improvements, shall become the debt and obligation of the county and shall be paid by the county. All the powers and duties of an institution district, in connection with administering the affairs of the institution district, are transferred to the county in which the institution district is located.

§ 15762. Records.

The county commissioners of each county of the fourth, fifth, sixth, seventh and eighth class shall keep records of the work necessitated by this subchapter as prescribed by the Department of Human Services and shall make reports to the Department of Human Services as the department requires.

§ 15763. Powers and duties.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth class shall have the power and their duty shall be to:

(1) Erect, equip, maintain, repair, alter and add to institutions for the care of dependents. A plan for the erection or substantial alteration of an institution must be approved as to suitability by the Department of Human Services.

(2) Pay the necessary expenses of land and buildings for the care of dependents and farms.

§ 15764. Further powers and duties.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth class shall have the power and duty, with funds of the county and according to the rules, regulations and standards established by the Department of Human Services, to:

(1) care for any dependent in the county, who is not otherwise cared for;

(2) contract with other counties or an individual, association, corporation or other entity for the care of any dependent;

(3) contract with any association in this Commonwealth organized to provide a home or employment for individuals with disabilities;

(4) pay the cost or part of the cost imposed by law upon county institution districts for patients with mental health needs or intellectual disability;

(5) take any other action authorized by law;

(6) contract with an individual, association, corporation, institution or governmental agency for the purpose of providing foster home care for individuals over 18 years of age. If, in the discretion of the county commissioners, foster home care is advisable, the county commissioners may expend money for a foster home care in addition to any money paid by the Commonwealth or an individual, association, corporation, institution or governmental agency to or for individuals over 18 years of age;

(7) require that an individual cared for in an institution shall pay for the cost of the individual's care to the extent of the individual's available resources; and

(8) provide or contract with an 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.

§ 15765. Referral by Department of Human Services.

The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth class may care for a dependent or other indigent individual in the county who is referred to the county commissioners by the Department of Human Services or by a local board under the supervision of the Department of Human Services.

§ 15766. Provision for burial.

Except as otherwise provided by law, the county commissioners of a county of the fourth, fifth, sixth, seventh and eighth class shall provide for the burial of an individual who dies in the county unless the individual's body is claimed by a relative by blood or marriage, a friend, a fraternal or veterans' organization, a charitable organization or the Department of Health, and is buried at the expense of the relative, friend or organization. Burial may not cost more than \$300.

§ 15767. (Reserved).

§ 15768. Powers and duties of county commissioners relating to children.

The county commissioners of a county of the fourth, fifth, sixth, seventh or eighth class may, and for the purpose of protecting and promoting the welfare of children and youth, shall, provide child welfare services designed to:

- (1) keep children in their own homes;
- (2) prevent neglect, abuse and exploitation;
- (3) help overcome problems that result in dependency, neglect or delinquency;
- (4) provide in foster family homes and child-caring institutions adequate substitute care for any child in need of substitute care; and
- (5) upon the request of the court, provide services and care for children and youth who have been adjudicated dependent, neglected or delinquent.

§ 15769. Contributions for medical care.

The county commissioners of each county of the fourth, fifth, sixth, seventh or eighth class may make annual appropriations from the money 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.

§ 15770. Inspections by Department of Human Services.

The institutions and books, accounts and records of each county pertaining to the county's powers and duties authorized by this subchapter shall, at all times, be open to the inspection of the Department of Human Services and the department's agents.

§ 15771. Reports of individuals applying for treatment of disease.

(a) **General rule.**--Each county of the fourth, fifth, sixth, seventh and eighth class shall make a record of all personal and statistical particulars related to the inmates in the county's institutions, as directed by the Department of Health, for statistical purposes.

(b) **Future admissions.**--The county shall make a record for all future inmates at the time of the inmate's admission.

(c) **Requirement.**--For a dependent admitted or committed for medical treatment of disease, the physician in charge shall specify in the record the nature of the disease and where, in the physician's opinion, the disease was contracted.

(d) **Acquisition of information.**--The information required by this section shall be obtained from the individual dependent, if it is practicable to do so. If the information cannot be obtained from the dependent, the information shall be secured in as complete a manner as possible from the relatives, friends or other persons acquainted with the facts of the disease.

§ 15772. Rules and regulations.

The county commissioners of each county of the fourth, fifth, sixth, seventh and eighth class shall have power to make rules and regulations, not inconsistent with this part and not inconsistent with the rules and regulations of the Department of Human Services, as may be deemed proper, convenient and necessary for the government of the county's institutions and to properly care for dependents.

§ 15773. Providing services without charge prohibited.

(a) **General rule.**--Notwithstanding any other provision of law, the county commissioners may not provide without charge items of care or service which an individual is entitled to receive as assistance under the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(b) **Construction of section.**--This section may not be construed to preclude county commissioners from providing additional forms of assistance not inconsistent with the Human Services Code or the regulations of the Department of Human Services.

§ 15774. Payments by county commissioners for assistance.

(a) **General rule.**--The county commissioners shall pay monthly to the Department of Human Services the:

(1) Amount expended by the department during the preceding month as assistance on behalf of:

(i) patients receiving public nursing home care in a county medical institution; and

(ii) children in foster family homes and child-caring institutions.

(2) Cost of administering the assistance, minus the amount of Federal money properly received by the Department of Human Services on account of expenditures increased or reduced by any amount by which the amount paid for any previous month differed from the amount which should have been paid for the previous month and by the proportionate share of refunds of assistance as provided in the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(b) **Certification.**--The Department of Human Services shall certify to the county commissioners the amount to be paid by the county to the department under subsection (a).

§ 15774.1. Limitation of authority respecting public assistance recipients.

The county commissioners may 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 former act of June 24, 1937, (P.L.2051, No.399), known as the Public Assistance Law.

§ 15775. (Reserved).

§ 15776. (Reserved).

§ 15777. (Reserved).

SUBCHAPTER F

TRAINING FOR COUNTY HEALTH,
WELFARE AND PROBATION PERSONNEL

Sec.

15780. Attendance at training courses and conferences.

§ 15780. Attendance at training courses and conferences.

(a) **General rule.**--The county commissioners may approve for county health, human services or probation personnel to attend the following at the county's expense:

(1) Appropriate training courses.

(2) National or State conferences in the health, welfare or correctional fields.

(b) **Account of expenses.**--Each individual attending a training course or conference shall submit an itemized account of expenses related to the event under section 12346 (relating to associations and organizations concerned with governmental affairs).

SUBCHAPTER G

(Reserved)

SUBCHAPTER H

GENERAL HOSPITALS

Sec.

15799.5. Establishment and creation of municipal authorities.

15799.6. Expenses.

15799.7. Administration of hospitals.

15799.8. Use of hospital.

§ 15799.5. Establishment and creation of municipal authorities.

The county commissioners may acquire, hold, construct, improve, maintain and operate, own and lease, either in the capacity of lessor or lessee, general hospitals within the county for the use, benefit, health, comfort, safety and general welfare of the residents of this Commonwealth and appropriate money from the county treasury for such purposes or may create a municipal authority under the former act of May 2, 1945 (P.L.382, No.164), known as the Municipal Authorities Act of 1945, and appropriate money to the municipal authority for any of the purposes under this section.

Cross References. Section 15799.5 is referred to in section 15799.6 of this title.

§ 15799.6. Expenses.

All expenses incident to the maintenance and operation of a hospital owned or leased to the county, or otherwise established under section 15799.5 (relating to establishment and creation of municipal authorities), including any lease rentals payable by the county to a municipal authority shall be paid by the county out of county money.

§ 15799.7. Administration of hospitals.

A hospital owned by or leased to the county may be operated by and under the authority of the county commissioners in the same manner that other county buildings and institutions are operated or may be subleased to the governing body of a general hospital within the county for operation by the governing body.

§ 15799.8. Use of hospital.

Each hospital owned by or leased to the county shall be used for the benefit of all residents within the county in which the hospital is located, and all residents within the county 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 an individual who willfully violates any rule or regulation adopted for the hospital by the

county commissioners. The county commissioners may charge and collect from an individual admitted to the hospital or an individual legally responsible for their maintenance, reasonable compensation for the care, treatment and maintenance of the individual.

CHAPTER 159
AERONAUTICS AND TRANSPORTATION

Subchapter

- A. Aeronautics
- B. Second Class A County Transit and Traffic Commission

Enactment. Chapter 159 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
AERONAUTICS

Sec.

- 15900. Definitions.
- 15901. Authority to establish airports.
- 15902. Acquisition of land for aeronautical purposes.
- 15903. Condemnation proceedings and title.
- 15904. Agreements for airport facilities.
- 15905. Joint operation and leasing.
- 15906. Engineering and construction and appropriations.
- 15907. Contracts for construction and repairs.
- 15908. Validation of contracts.
- 15909. Airport appropriation assistance.
- 15909.1. Issuance of revenue bonds for airport facilities in counties.
- 15910. Municipal approval required.

§ 15900. Definitions.

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

"Airport." As defined in 74 Pa.C.S. § 5102 (relating to definitions).

§ 15901. Authority to establish airports.

Subject to the provisions of 74 Pa.C.S. (relating to transportation), a county may establish, construct and provide for airports in accordance with the provisions of this chapter.

§ 15902. Acquisition of land for aeronautical purposes.

(a) Use of land.--A county may use land within the county and owned by the county determined by the county commissioners to be necessary for an airport.

(b) Appropriation of land.--A county may appropriate for the purposes of an airport lands purchased by the county at any tax sale and not redeemed within the period of redemption, if any, provided by law.

(c) Acquisition of land.--A county may acquire by gift, lease, purchase or condemnation proceedings, 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 airports or of enlarging airports, but no land shall be acquired in any adjoining county without the assent of the county commissioners of that county.

§ 15903. Condemnation proceedings and title.

(a) Conduct of proceedings.--The proceedings for the condemnation of lands under this chapter and for the assessment of damages for property taken, injured or destroyed shall be conducted in the same manner as provided by law for the condemnation of land or buildings for county purposes in the county in which the land is situated.

(b) Acquisition of title.--The title acquired by virtue or any condemnation may be a title in fee simple or any lesser estate, including an easement for aviation or any other purpose.

§ 15904. Agreements for airport facilities.

A county acquiring land for an airport may enter into agreements for the use of all or a part of the land, for adequate consideration, after due public notice to a person desiring to use the same for the purposes of taking off or landing an airplane, for other aviation purposes or for any nonaviation purpose, on terms and subject to conditions and regulations. In counties of the second class A, agreements for nonaviation purposes shall be for terms of less than 50 years and shall only involve land designated in the county's airport master plan not needed for airport purposes within the term of the lease. A county may enter into a contract in the form of a lease providing for the use of airport land or any part thereof by the Federal Government for air mail delivery or other aviation purposes upon nominal rental or without consideration.

§ 15905. Joint operation and leasing.

A county acquiring land for an airport purpose may operate and maintain airport facilities jointly with a municipal corporation or other political subdivision, upon terms and conditions as may be agreed upon between the authorities of the municipal corporation or other political subdivision and the county commissioners, and the joint airport facilities may be operated and leased, as provided under this subchapter, upon the joint action of the authorities involved and the county commissioners.

§ 15906. Engineering and construction and appropriations.

A county acquiring land for airport purposes may, by resolution of the county commissioners, appropriate money for the engineering design, surveys and construction of airport facilities, either individually or in cooperation with Federal, State or other public agencies supplying a portion of the necessary money for the work.

§ 15907. Contracts for construction and repairs.

In establishing, maintaining and operating airport facilities, if construction, repair or purchase of roadways, runways, buildings and facilities is deemed necessary within or for use within the limits of land acquired for the purpose of establishing, maintaining and operating airport facilities, submission to a court or grand jury of any county is not necessary, but a contract under this chapter shall be entered into as provided for in Chapter 151 (relating to contracts), and for joint establishment, operation and maintenance with any other political subdivision, a contract shall be entered into as provided for the general business of the participating political subdivisions.

§ 15908. Validation of contracts.

A contract executed prior to July 28, 1953, for counties of the second class A, and August 9, 1955, for counties of the third, fourth, fifth, sixth, seventh and eighth class, 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 a county and entered into as provided for the general business of the county or other political subdivisions jointly interested, are ratified, confirmed, approved and declared lawful contracts.

§ 15909. Airport appropriation assistance.

The county commissioners may appropriate money to assist a municipal corporation or other political subdivision, or municipality airport authority, within the county or within any adjacent county to acquire, establish, operate and maintain airport facilities.

§ 15909.1. Issuance of revenue bonds for airport facilities in counties.

(a) **General rule.**--In addition to present methods of financing, the county commissioners of counties of the second class A may issue revenue bonds, under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing), for sufficient money for and toward the acquisition, construction, reconstruction, extension or improvement of airport facilities, including airports, terminals, hangars, parking areas and all other facilities, with bonds secured solely by the pledge of the whole or part of the fees, rents, tolls or charges derived from the ownership or operation of the facilities or for the use or service of the same.

(b) **Lease of airport facilities.**--Airport facilities financed by the issuance of revenue bonds under this section 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 issued bonds.

(c) **Costs.**--Included in the cost of the issue may be costs and expenses incident to constructing and financing the facilities and selling and distributing the bonds.

(d) **Construction.**--Nothing in this section shall be construed as modifying or restricting the power of any county of the third, fourth, fifth, sixth, seventh and eighth class to incur debt for the acquisition, construction, reconstruction, extension or improvement of airport facilities, including airports, terminals, hangers, parking areas and all other facilities necessary or appropriate, to the extent the power exists on December 23, 2018.

§ 15910. Municipal approval required.

Federal or State money from the Aviation Restricted Account in the Motor License Fund or any other State money may not be expended for airport operations or airport development in any county of the second class A having a population in excess of 675,000 individuals without the approval of the municipality or municipalities in which an airport is situated.

SUBCHAPTER B

SECOND CLASS A COUNTY TRANSIT AND TRAFFIC COMMISSION

Sec.

15950. Creation of county transit and traffic commission.

15951. Duties of county transit and traffic commission.

§ 15950. Creation of county transit and traffic commission.

(a) **Establishment.**--The county commissioners of a county of the second class A may establish a county transit and traffic commission under this subchapter.

(b) **Existing commission.**--A county transit and traffic commission existing on December 24, 2018, may continue to exist under this subchapter.

(c) Composition.--The county transit and traffic commission shall be composed of nine members in accordance with the following:

(1) Each of the nine members shall be residents of the county in accordance with the following:

(i) Not more than four of the members shall be residents of cities in the county.

(ii) Not more than two of the members shall be regular employees of a publicly financed body.

(2) Members shall be individuals experienced in at least one of the following:

(i) Engineering.

(ii) Commerce.

(iii) Finance.

(iv) Law.

(v) Transportation.

(vi) Traffic matters.

(3) Each member shall be appointed by the county commissioners.

(4) If there is an existing board on December 24, 2018, which has duties substantially similar to those of the commission established under this section, new members shall be appointed upon the expiration of the terms of the existing members.

(d) Terms, quorums and vacancies.--

(1) Each member shall serve for a term of six years.

(2) Five members shall constitute a quorum.

(3) An appointment to fill a vacancy shall be only for the unexpired term of the vacancy.

(e) Organization.--The commission members may make rules and regulations for the commission's organization and procedure consistent with the resolutions of the county commissioners and the laws of this Commonwealth.

(f) Compensation and expenses.--

(1) Members shall serve without compensation.

(2) The county commissioners may provide for the following expenses, at the county commissioners' discretion, by resolution and appropriation:

(i) Employment of a technical staff or other individuals as necessary.

(ii) Necessary expenses of the commission.

§ 15951. Duties of county transit and traffic commission.

(a) Duties.--The duties of the county transit and traffic commission shall be to:

(1) Investigate transit, traffic and parking conditions in the county, including the volume and characteristics of the movement of public carriers, including street railways, trains, buses and other motor vehicles, throughout the county, with a view of determining advisable means for obtaining adequate, rapid and safe transportation.

(2) Fully consider the coordination of existing transportation services.

(3) Investigate and study safety measures for individuals and vehicles on highways, streets and thoroughfares in the county.

(4) Advise and consult with officials of political subdivisions in the county about the transit, traffic and parking problems.

(b) Report.--All minutes, reports and recommendations made by the commission shall be a matter of public record. Periodically, but not less than once a year, the commission shall file with the county commissioners a report, which shall

include the results of investigations made by the commission and any recommendations the commission may have to offer.

(c) Referral to commission.--The county commissioners shall refer any plan, proposal or resolution affecting public transportation and the safety of the public on public transportation facilities and on highways, bridges and tunnels in the county to the county transit and traffic commission for consideration and recommendation. The county transit and traffic commission shall report to the county commissioners on the plan, proposal or resolution within a reasonable period of time.

(d) County planning commission.--

(1) In lieu of the creation of a county transit and traffic commission in the county in which a county planning commission has been established, the county commissioners may, by resolution, confer and impose on the county planning commission the additional powers and duties of serving as the county transit and traffic commission, with all the powers and duties conferred by this subchapter upon the county transit and traffic commission. Upon the passage of the resolution by the county commissioners, the terms of office of the existing county transit and traffic commissioners shall terminate, and the commissioners shall deliver all books, papers, records, furnishings and supplies pertaining to their office to the county planning commission.

(2) The passage of the resolution by the county commissioners under paragraph (1) may not impair nor affect any act done, or right accruing, accrued or acquired, or liability, duty or obligation incurred, prior to the time the resolution takes effect.

CHAPTER 161

GROUND AND BUILDINGS

Subchapter

- A. General Provisions
- B. Acquisition, Use, Leasing and Disposing of Real Property for County
- C. Acquisition, Construction or Alteration of County Buildings
- D. Policing, Administration and Public Order of Grounds and Buildings
- E. Special Provisions for Temporary County Buildings and for Rooms in County Buildings
- E.1. Special Provisions for Temporary County Buildings and for Rooms in County Buildings in Counties of the Second Class A
- F. Improvement of Streets Along County Buildings and Street Lighting
- G. Public Accommodations
- H. Monuments and Memorials
- I. Public Auditoriums, Public Libraries, Public Memorial Buildings and Monuments
- J. Homes and Hospitals
- K. Morgues
- L. (Reserved)

Enactment. Chapter 161 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 161 is referred to in section 16750 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 16101. Title to real estate vested in county.
- 16101.1. Days and hours of courthouse and offices.
- 16102. Exemption from taxation and attachment.
- 16102.1. Payments in lieu of taxes.
- 16103. (Reserved).
- 16104. Credit of county available for grounds and buildings.

§ 16101. Title to real estate vested in county.

The title to all real property acquired by or for the use of the county shall be vested in the county for the use of the people in the county and for no other use, except as provided in this chapter.

§ 16101.1. Days and hours of courthouse and offices.

The county commissioners shall determine when the county courthouse and all county offices located elsewhere shall be open.

§ 16102. Exemption from taxation and attachment.

Except as provided under section 16106(b) (relating to authority to sell or lease real property) or other law, 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.

§ 16102.1. Payments in lieu of taxes.

If real property of the county is not presently being used for the purposes for which it was acquired, the county may make payments in lieu of taxes for the property to political subdivisions in which the property is located.

§ 16103. (Reserved).

§ 16104. Credit of county available for grounds and buildings.

In the acquisition, construction or alteration of land and buildings for county purposes, the commissioners may issue bonds as provided by law.

SUBCHAPTER B
ACQUISITION, USE, LEASING AND DISPOSING
OF REAL PROPERTY FOR COUNTY

Sec.

- 16105. Acquiring and using real property and exceptions.
- 16105.1. Acquiring and developing industrial areas.
- 16106. Authority to sell or lease real property.
- 16106.1. Authority to sell certain property as a single unit.
- 16107. (Reserved).
- 16108. (Reserved).
- 16109. (Reserved).
- 16110. (Reserved).
- 16111. Disposing of county property for other uses and demolition.

§ 16105. Acquiring and using real property and exceptions.

(a) **General rule.**--The county commissioners may acquire real property by purchase for not more than the fair market value, gift, devise or eminent domain. The county commissioners may acquire, improve and maintain real property at the county seat or in other places as the county commissioners deem necessary for the purposes of a county courthouse, prison and other facilities necessary for county purposes. The fair market value of real property for a purchase valued in excess of \$10,000 shall be determined by the county commissioners in consultation with two of the following:

- (1) The county assessor.
- (2) Licensed real estate brokers.
- (3) Licensed real estate appraisers doing business within the county.

(b) Other uses of property.--The county commissioners may also use real property, as authorized by law, owned by the county and deemed suitable by the county commissioners for the purposes under subsection (a), except property that is bound by contract to another public use.

(c) Land for county buildings.--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 employees, as the county commissioners deem proper.

(d) Application.--This section shall not apply to an acquisition of real property by a county, either by tax sales or by other purchases, that is specifically provided for under another provision of law.

§ 16105.1. Acquiring and developing industrial areas.

(a) General rule.--The county commissioners may purchase, accept 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 money to bring utilities within a county industrial area and to develop an area for industrial sites.

(b) Sale or lease of land.--A county may sell, or lease for a term not to exceed 99 years, to an industrial development organization, with or without consideration, lands, easements or rights in land, together with any improvements, buildings or structures on the land owned by the county for the purpose of establishing or enlarging a commercial, industrial or manufacturing enterprise or research and development center within the county. In addition, the following shall apply:

(1) The industrial development organization shall be designated in the manner provided by Chapter 23 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act.

(2) The county may make an agreement with an industrial development organization for the industrial development of the lands, easements or rights in lands.

(3) An instrument of sale, lease or other agreement made under this subsection may contain provisions regulating the uses of lands, buildings and structures for trade, industry, manufacture, research, residence, recreation, water supply, public activities or other purposes.

§ 16106. Authority to sell or lease real property.

(a) General rule.--The county commissioners may sell any estate in real property for not less than the fair market value. If the county commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, the knowledge or belief shall be advertised, together with the description of the land, in at least one newspaper of general circulation in the county. In the case that the fair market value of the real property is estimated to be in excess of \$10,000, the fair market value shall be determined by the county commissioners in consultation with two of the following:

- (1) The county assessor.
- (2) Certified broker-appraisers.
- (3) Certified real estate appraisers doing business within the county.

(b) Lease of property.--The county commissioners may lease an estate in real property owned by the county or other real property for which the county is the lessee. For a lease of county property, the property, with improvements or additions on or to the property, shall, in the hands of the lessee, be subject to taxation by the county and any other political subdivision in the county in the same manner as other real estate located in the county. The taxes shall be levied and assessed against and paid by the lessee.

(c) Exception.--Subsection (a) may not be mandatory if county real property is to be sold to any of the following:

(1) A political subdivision, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

(2) A municipal authority under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

(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 may not apply to property owned and operated by a county or subcontracted or operated on behalf of a county in order to conduct existing government functions.

(4) A person for the exclusive use of the property in an industrial development program.

(5) A nonprofit corporation organized as a public library for the exclusive use as a library.

(6) A nonprofit medical service corporation for the exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation.

(8) The Federal Government.

(9) The Commonwealth.

(10) An authority under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

(11) A redevelopment authority under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

(12) A public utility.

(13) A nonprofit organization providing community service or development activities.

(14) A nonprofit corporation established for the preservation of historical, architectural or aesthetic sites or artifacts.

(15) A nonprofit association or nonprofit corporation organized to acquire and maintain real property for the preservation, conservation and stewardship of open space.

(16) A council of government, consortium, cooperative or other similar entity created under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

(d) Sale to qualified entity.--If the real property is sold or leased to a qualified entity under subsection (c), the commissioners may elect to accept nominal consideration for the sale as the commissioners deem appropriate. Real property sold under this subsection to an entity under subsection (c), other than a city, borough, town, township, institution district, school district, municipal authority under 53 Pa.C.S. Ch. 56 located within the county, the Federal Government or the Commonwealth, shall be subject to the condition that when the

property is not used for the purposes of the entity the property shall revert to the county.

(e) Application.--This section does not apply to leases or sales of county property or other property which are otherwise specifically provided for by law.

(f) Transfer of interest in real property.--The commissioners shall provide for the transfer of an interest in real property under this section by deed or by written lease under the seal of the county, as applicable.

Cross References. Section 16106 is referred to in section 16102 of this title.

§ 16106.1. Authority to sell certain property as a single unit.

Notwithstanding any other provisions of law, if the county commissioners determine that the continued ownership and operation of an institution for the care of dependents is economically unfeasible, the county commissioners may sell the real property belonging to the county and being used for the care of dependents and the contents of personal property used in connection with and incidental to the operation of the institution, as a single unit. The sale of real property and personal property as a single unit shall be deemed a sale of real property only and need only comply with this part relating to the sale of real property.

Cross References. Section 16106.1 is referred to in section 15105 of this title.

§ 16107. (Reserved).

§ 16108. (Reserved).

§ 16109. (Reserved).

§ 16110. (Reserved).

§ 16111. Disposing of county property for other uses and demolition.

(a) General rule.--If the county commissioners find that an existing county building is no longer suitable for its original purpose, or if the county has acquired or received an interest in real property which the county commissioners find is not suitable for the use of the county, the county commissioners may do any of the following:

(1) Devote the real property to another public purpose.

(2) Convey by sale or gift the real property to a public or charitable institution.

(3) Convey by sale or gift the real property to a political subdivision within the county.

(4) Demolish or relocate the building.

(b) Conveyance of real property.--For the purposes of this section, the county commissioners may convey, on behalf of the county, any interest in real property to one or more parties authorized by this section in single or concurrent ownership.

(c) Conveyance of personal property.--Notwithstanding Chapter 151 (relating to contracts), the county may convey personal property together with an interest in real property for the purposes of this section.

(d) Application.--Nothing in this section shall supersede the procedures or limitations on the disposition of county property imposed by law.

SUBCHAPTER C

ACQUISITION, CONSTRUCTION OR ALTERATION OF COUNTY BUILDINGS

Sec.

16115. Authority and procedure for acquiring, constructing or altering county buildings.
16116. Right to build on public squares.
16117. Separate bids for plumbing, heating, ventilating, air conditioning, electrical work, elevators and escalators.
16118. Contract performance security and payment bonds.
16119. Compliance with workers' compensation law.
16120. (Reserved).

§ 16115. Authority and procedure for acquiring, constructing or altering county buildings.

(a) **General rule.**--The county commissioners may purchase or accept by gift any building authorized by law deemed suitable and proper by the county commissioners for use as a county building.

(b) **Construction or alteration.**--The county commissioners may provide for the construction or alteration, including enlargement of any county building. If the county commissioners undertake any construction or alteration, the county commissioners shall prepare plans and specifications for the construction or alteration. The county commissioners shall secure bids and provide for the formation of contracts necessary for the construction or alteration according to this act.

§ 16116. Right to build on public squares.

If the courthouse 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 the courthouse or other building, the county commissioners may erect a new building upon any other of the public squares or commons of the city, borough or town, or upon any part thereof.

§ 16117. Separate bids for plumbing, heating, ventilating, air conditioning, electrical work, elevators and escalators.

(a) **General rule.**--In the preparation of specifications for the erection, construction and alteration of a public building, if the entire cost of the work shall exceed the base amount established under section 15101 (relating to commissioners sole contractors for county generally), the architect, engineer or other person preparing specifications shall prepare the following separate specifications:

- (1) Plumbing.
- (2) Heating, ventilating and air conditioning.
- (3) Electrical work.
- (4) Elevators and escalators.
- (5) One complete set of specifications for all work not otherwise specified.

(b) **Separate bids.**--The county commissioners shall receive separate bids upon each of the branches of work under subsection (a) and award the contract to the lowest responsible bidder for each of the branches, including the balance of the work not otherwise specified.

(c) **Alternative contracting procedure.**--Notwithstanding the separate specifications of subsection (a), an authority organized under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, which is engaged to erect, construct or alter a public purpose facility for a county of the second class A may elect to use an alternative contracting procedure as follows:

- (1) The authority may elect to use an alternative contracting procedure for a project involving selected public purpose facilities. If the authority elects to utilize an alternative contracting procedure, the county commissioners

shall adopt a resolution that the use of an alternative contracting procedure is the most efficient, economical and timely method to proceed with a project. Upon adoption of a resolution, the authority shall request written proposals from proposers for a project involving selected public purpose facilities under an alternative contracting method. In a request for proposals, the authority shall include terms, conditions and requirements which the authority deems necessary to protect the authority and the interests of the public.

(2) In reviewing and evaluating the proposals for a project involving selected public purpose facilities, the authority shall, in addition to compliance with the terms, conditions and requirements set forth in the request for proposals, consider the following criteria:

- (i) The cost of the project.
- (ii) Experience of the proposer.
- (iii) Adherence to the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.
- (iv) Adherence to prevailing wage laws and other work force standards.
- (v) Commitment to enter into voluntary contracts with disadvantaged business enterprises. After due consideration of proposals under the criteria described in this paragraph, the authority may, upon recommendation of a designee or project end user, select a proposal and award a contract to a responsible proposer under an alternative contracting procedure. The award of a contract for the project need not be awarded to the lowest priced proposer.

(3) A contract awarded under this subsection shall be exempt from the act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act, or from any subsequent enactment or reenactment of substantially similar separate bid specification requirements.

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

"Alternative contracting procedure." A procedure under which a proposer would be responsible for all aspects or phases necessary to achieve the development of a parcel of property. The aspects or phases of development may include the planning, design, finance, construction and management of property.

"Design/build contract." A construction contract in which the contractor is responsible for both the design and construction of a public structure, building or other public improvement of any kind to any public real property.

"Project." The demolition, modification and construction of a building or group of buildings with related facilities formerly owned by a county and previously used as a jail or office facility.

"Project end user." The governmental body or entity to use the selected public purpose facility under a contract or lease with the authority.

"Proposer." A firm, organization or company or a combination of firms, organizations or companies acting as a partnership, joint venture, consortium or similar joint relationship with sufficient knowledge, expertise and experience in design/build contracts.

§ 16118. Contract performance security and payment bonds.

(a) General rule.--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 \$25,000 and \$100,000, the successful bidder shall furnish a bond guaranteeing performance of the contract, in an amount as determined by the county commissioners at the time of advertising for bids, which shall be no less than 10% or more than 100% of the amount of the contract, within 30 days after the contract is awarded. If a construction contract is awarded in excess of \$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 determined by the county commissioners at the time of advertising for bids which shall be not less than 50% or more than 100% 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 100% 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 and materials include public utility services and reasonable rentals of equipment for the periods when the equipment is actually used at the site.

(b) Bond protection.--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 subcontractors in the prosecution of the work provided for in the contract, regardless of if the labor or materials constitute a component part of the construction.

(c) Construction.--Nothing in this section shall be construed to limit the authority of the county 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) Payment bonds.--Actions on payment bonds shall be in accordance with the following:

(1) Subject to paragraph (2), a claimant who has performed labor or furnished material in the prosecution of the work under a contract for which a payment bond has been given under subsection (a), and who has not been paid in full before the expiration of 90 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) A claimant who has a direct contractual relationship with a 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 the claimant has given written notice to the contractor within 90 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 the contractor's 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) Dollar thresholds.--The dollar thresholds provided under 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.

Cross References. Section 16118 is referred to in section 15102 of this title.

§ 16119. Compliance with workers' compensation law.

(a) General rule.--Each contract executed by the county commissioners, which involves the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by a contract is concerned, the provisions of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, and that the contractor will insure contractor's liability under the act or file with the county commissioners a certificate of exemption from insurance from the Department of Labor and Industry.

(b) Proof of compliance.--The county commissioners, before signing on behalf of the county a contract requiring in its performance the employment of labor, shall require proof that the contractor with whom the contract is made shall have accepted the Workers' Compensation Act and any reenactments, supplements or amendments to the act, and proof that the contractor has complied with subsection (a).

(c) Violation.--A contract executed in violation of the provisions of this section shall be null and void.

§ 16120. (Reserved).

SUBCHAPTER D

**POLICING, ADMINISTRATION AND PUBLIC ORDER
OF GROUNDS AND BUILDINGS**

Sec.

16125. Buildings and grounds.

16126. Security and grounds employees.

16127. Display of municipal flags on county buildings authorized.

16128. (Reserved).

16129. (Reserved).

§ 16125. Buildings and grounds.

Except as otherwise provided by law, the county commissioners 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.

§ 16126. Security and grounds employees.

(a) Security officers.--The county commissioners may appoint one or more security officers to guard and protect the county buildings and to enforce this part and other related laws. The security officers shall have power to arrest on view a person violating this part.

(b) **Grounds employees.**--The county commissioners may employ persons as may be necessary to provide for maintenance and repair of all county buildings and grounds.

§ 16127. 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.

§ 16128. (Reserved).

§ 16129. (Reserved).

SUBCHAPTER E

**SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS
AND FOR ROOMS IN COUNTY BUILDINGS**

Sec.

16135. (Reserved).

16136. (Reserved).

16137. Room or building for juvenile offenders awaiting trial.

16138. (Reserved).

16139. Furnishing rooms for meetings of veterans and other organizations.

§ 16135. (Reserved).

§ 16136. (Reserved).

§ 16137. Room or building for juvenile offenders awaiting trial.

The county commissioners of the third, fourth, fifth, sixth, seventh and eighth class 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 alleged or adjudicated delinquent children or dependent children as defined in 42 Pa.C.S. § 6302 (relating to definitions) who may be in custody awaiting trial or hearing in the courts of the county, and provide for the maintenance and care of the children while in custody.

§ 16138. (Reserved).

§ 16139. Furnishing rooms for meetings of veterans and other organizations.

The county commissioners may, upon application, furnish meeting accommodations to any veterans, veterans auxiliary or other civic organization.

SUBCHAPTER E.1

**SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS
AND FOR ROOMS IN COUNTY BUILDINGS
IN COUNTIES OF THE SECOND CLASS A**

Sec.

16139.1. Scope of subchapter.

16139.2. Room or building for juvenile offenders awaiting trial.

16139.3. Management of houses for detention of juveniles and appointment of board and ex officio members.

16139.4. Appointment and compensation of employees.

16139.5. Annual report and expenses.

16139.6. Appropriation and bond issues.

§ 16139.1. Scope of subchapter.

This subchapter shall apply to counties of the second class A.

§ 16139.2. Room or building for juvenile offenders awaiting trial.

The county 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 alleged or adjudicated delinquent children or dependent children as defined in 42 Pa.C.S. § 6302 (relating to definitions) who are in custody awaiting trial or hearing in the courts of the county, and provide for the maintenance and care of the children while in custody.

§ 16139.3. Management of houses for detention of juveniles and appointment of board and ex officio members.

(a) Board of managers.--The management of houses for the detention and reception of juveniles awaiting trial, hearing or judicial investigation under the laws of this Commonwealth shall be in a board of managers consisting of the following members:

- (1) Three county commissioners.
- (2) The county controller.
- (3) Six private citizens to be appointed as follows:
 - (i) Three to be appointed by the president judge of the court of common pleas.
 - (ii) Three to be appointed by the chairperson of the county commissioners.

(b) Designees.--The county commissioners and the controller may appoint individuals to act as designees for the purpose of attending meetings of the board, and the designees shall have the right to vote at the meetings.

(c) Private citizen members.--The private citizen members of the board may not be officers or employees of the county.

(d) Existing boards of managers.--The members of the board of managers existing in the county shall remain as members of the board or boards of managers created in this subchapter until the expiration of the terms to which the members were appointed. Annually thereafter, the members or successors shall be appointed for a term of three years.

(e) Vacancies.--Vacancies occurring in the membership of the board shall be filled for the unexpired term by the chairperson of the county commissioners or the president judge of the court of common pleas, depending upon who originally appointed the board member.

(f) Compensation.--The members of the board shall serve without compensation.

§ 16139.4. Appointment and compensation of employees.

The board of managers may appoint a superintendent and additional staff members as may be necessary, whose salaries shall be paid by the county. The number and compensation of the employees shall be fixed by the salary board of the county.

§ 16139.5. Annual report and expenses.

On or before November 1, the board of managers shall annually report to the county commissioners the amount of money required for the maintenance of the house or houses of detention. The county commissioners shall make an annual appropriation to the board of managers for the payment of the expenses of administering the house of detention. Expenses incurred in the performance of duties by the board of managers shall be itemized and presented with vouchers to the county commissioners for payment, and a semiannual expense report shall be made to the county commissioners. All expenses in connection with the management and administration of the house of detention shall be paid by the county in the manner provided by law for the payment of county obligations.

§ 16139.6. Appropriation and bond issues.

The county commissioners shall have power and authority for the purpose of housing juveniles to appropriate money from public money or to issue bonds in the manner provided by law for the purchase of lands or erecting, constructing and equipping a building or buildings.

SUBCHAPTER F
IMPROVEMENT OF STREETS ALONG
COUNTY BUILDINGS AND STREET LIGHTING

Sec.

16145. Joining with municipalities in improving certain streets and highways.

16146. Ornamental illumination.

§ 16145. Joining with municipalities in improving certain streets and highways.

(a) **General rule.**--The county commissioners may join with the governing body of a municipal corporation 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 of a county building.

(b) **Contract with municipalities.**--The county commissioners may enter into contract with a municipality to pay a fair proportion of the expense of grading, regrading, paving, repaving and improvement of the streets and highways and may appropriate from the county treasury sufficient money for this purpose. The county commissioners may act with any committee appointed by municipalities to establish grades, determine the kind and quality of paving materials to be used and ratify the contracts entered into by the municipalities in the course of the improvements.

(c) **Contract specifications.**--The selection of grades, paving materials and proportion of expenses to be paid by the county shall be specified by a contract formulated under this section.

§ 16146. Ornamental illumination.

(a) **General rule.**--The county commissioners may appropriate money to support the installation, maintenance or repair of ornamental illumination of any section of a street that abuts the courthouse or other county building in the county seat.

(b) **Limitation.**--The appropriation by the county commissioners under subsection (a) may not exceed the amount that shall be assessed for ornamental illumination upon owners of an equivalent frontage of property abutting upon the street, measured by the foot front rule.

SUBCHAPTER G
PUBLIC ACCOMMODATIONS

Sec.

16150. Appropriations for public accommodations.

§ 16150. Appropriations for public accommodations.

(a) **General rule.**--The county commissioners may appropriate money to assist a municipality to construct and maintain public restrooms and related facilities.

(b) **Courthouse rest and waiting rooms.**--The county commissioners may provide or cooperate with a municipality or municipal authority to equip and maintain in the courthouse rest or waiting rooms for the public.

(c) **Lease of ground.**--Any part of a ground acquired by a county for the purposes of a courthouse or other county building

or facility may be leased by the county to a municipality being the county seat of the county for the purpose of the construction of a public comfort station by the municipality.

SUBCHAPTER H
MONUMENTS AND MEMORIALS

Sec.

- 16155. Monuments, memorials and memorial halls to war veterans.
- 16156. Assistance to private or municipal agencies.
- 16157. (Reserved).
- 16158. (Reserved).
- 16159. Existing buildings.
- 16160. Donations.
- 16161. Maintenance of hall.
- 16162. (Reserved).
- 16163. Board of control.
- 16164. Flagstaff and display of flag.
- 16165. Acquisition of additional land and equipment, furnishings, etc.
- 16166. Tax levy and increase or indebtedness.
- 16167. Preservation, maintenance, repair and completion of public monuments.

§ 16155. Monuments, memorials and memorial halls to war veterans.

The county commissioners may appropriate money for and provide for the erection of monuments, memorials or memorial halls commemorating or honoring the services of any individual who has served in the armed forces of the United States or in any auxiliary organization officially connected with a division of the armed forces of the United States.

Cross References. Section 16155 is referred to in section 16156 of this title.

§ 16156. Assistance to private or municipal agencies.

The county commissioners may appropriate money to assist any individual, private corporation or municipal corporation in the erection of a monument, memorial or memorial hall authorized under section 16155 (relating to monuments, memorials and memorial halls to war veterans).

§ 16157. (Reserved).

§ 16158. (Reserved).

§ 16159. Existing buildings.

The county commissioners may acquire by any lawful means any real property which can be altered and improved so as to be made suitable for a memorial hall.

§ 16160. Donations.

For the purpose of aiding in the acquisition of real property and erection and construction of a memorial hall, voluntary donations and contributions may be accepted by the county commissioners from individuals, associations and organizations.

§ 16161. Maintenance of hall.

A county memorial hall shall be the property of and shall be maintained at the expense of the county.

§ 16162. (Reserved).

§ 16163. Board of control.

(a) Establishment.--In a county in which the county commissioners have established a memorial hall, the county commissioners shall establish a board of control of the memorial hall and shall establish the powers and duties of the board of control to provide for the operation and maintenance of the memorial hall. The county commissioners shall provide for the

members of the board of control to be selected by the veterans organizations which operate in, and have been recognized by, the county.

(b) Existing boards of control.--A board of control established prior to December 24, 2018, shall continue according to the provisions of law that applied at the time that the board was established until the county commissioners take an action under subsection (a).

§ 16164. Flagstaff and display of flag.

A flagstaff shall be erected upon any county memorial hall from which the flag of the United States shall be displayed from sunrise to sunset on each day of the year.

§ 16165. Acquisition of additional land and equipment, furnishings, etc.

In a county in which there is a memorial hall in honor of the soldiers, sailors or marines from the county, the county commissioners may acquire additional land adjoining the memorial hall to enhance and preserve the beauty and character of the memorial hall or equip, furnish, decorate and make additions to the memorial hall, or both.

§ 16166. Tax levy and increase or indebtedness.

The county commissioners may levy and collect a tax upon the taxable persons and property within the county or increase the indebtedness of the county according to 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) to pay for the following:

(1) Erecting a memorial hall, including the purchased or condemned ground upon which the memorial hall is erected.

(2) Acquiring additional land or enlarging, equipping, furnishing or decorating a memorial hall.

§ 16167. Preservation, maintenance, repair and completion of public monuments.

The county commissioners may preserve, maintain and repair any public monument or memorial hall in the county, other than in cemeteries, including the enclosed public ground surrounding the monument, and appropriate money for these purposes. If a public monument referred to in this section has been partially completed, either in construction or payment, the commissioners may appropriate money for the purpose of completion.

SUBCHAPTER I

**PUBLIC AUDITORIUMS, PUBLIC LIBRARIES,
PUBLIC MEMORIAL BUILDINGS AND MONUMENTS**

Sec.

16168. Acquiring of property.

16169. Rental of auditoriums.

16170. (Reserved).

§ 16168. Acquiring of property.

Counties may acquire property according to this chapter for the purpose of erecting public auditoriums, public libraries, public memorial buildings and monuments.

§ 16169. Rental of auditoriums.

Revenue derived from rental of a public auditorium shall first be devoted to the maintenance of the auditorium and any remaining annual balance accruing from rent shall be deposited in the general fund of the county.

§ 16170. (Reserved).

SUBCHAPTER J

HOMES AND HOSPITALS

Sec.

- 16174. Donations to orphans' or childrens' homes.
- 16175. Management and control of orphans' home.
- 16176. Admission to home.
- 16177. Maintenance of childrens' homes.
- 16178. (Reserved).
- 16179. (Reserved).
- 16180. (Reserved).
- 16181. (Reserved).
- 16182. (Reserved).
- 16183. (Reserved).
- 16184. (Reserved).
- 16185. (Reserved).

§ 16174. Donations to orphans' or childrens' homes.

The county commissioners may receive real or personal property which may be given or granted to the county by any lawful means for the use and purpose of providing a home within the county for the keeping and care of indigent orphans and children who depend on the county for support.

§ 16175. Management and control of orphans' home.

An orphans' home shall be under the management and control of the county commissioners. The county commissioners may appoint a superintendent and assistants as necessary to properly conduct the affairs of the home.

§ 16176. Admission to home.

Indigent orphans and children shall be admitted to an orphans' or childrens' home on order of the county commissioners.

§ 16177. Maintenance of childrens' homes.

If a property has been given or granted to a county for a childrens' home and a home is established, the county may appropriate money for the support and maintenance of orphans and children and for the payment of the salary of the superintendent and assistants.

- § 16178. (Reserved).**
- § 16179. (Reserved).**
- § 16180. (Reserved).**
- § 16181. (Reserved).**
- § 16182. (Reserved).**
- § 16183. (Reserved).**
- § 16184. (Reserved).**
- § 16185. (Reserved).**

SUBCHAPTER K

MORGUES

Sec.

- 16190. Authority to provide and approval.
- 16191. (Reserved).
- 16192. (Reserved).
- 16193. (Reserved).

§ 16190. Authority to provide and approval.

The county commissioners may buy or lease land and construct and maintain on the land, at the expense of the county, a morgue for the reception of all deceased individuals under the care and custody of the coroner.

- § 16191. (Reserved).**
- § 16192. (Reserved).**
- § 16193. (Reserved).**

SUBCHAPTER L

(Reserved)

CHAPTER 163
EMINENT DOMAIN AND INJURY TO PROPERTY

Sec.

- 16301. Exercise of eminent domain.
- 16302. Restrictions as to certain property.
- 16303. Declaration of intention.
- 16304. Application of 26 Pa.C.S.

Enactment. Chapter 163 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 163 is referred to in section 16712, 16987 of this title.

§ 16301. Exercise of eminent domain.

A county may enter upon, appropriate, injure or destroy private lands, property or material, or lands previously granted or dedicated to public use that are no longer used for the purpose for which the lands were granted, according to the proceedings set forth in 26 Pa.C.S. (relating to eminent domain), for any purpose conferred upon the county by law.

§ 16302. Restrictions as to certain property.

(a) Prohibition.--Except as provided in subsection (b), land or property used for a cemetery, burying ground or place of public worship may not be taken or appropriated by virtue of a power contained in this chapter.

(b) Exception for certain counties.--The prohibition in subsection (a) shall not apply to a county of the second class A in which the land or property is taken or appropriated according to the provisions of the act of May 12, 1887 (P.L.96, No.47), entitled "A supplement to an act, entitled 'An act supplementary to an act relative to burial grounds and cemeteries situated in incorporated boroughs,' approved the nineteenth day of May, one thousand eight hundred and seventy-four, changing the title of said act, and authorizing the court to make orders and decrees required by the act, and to enforce the same by process, approved the thirteenth day of May, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities, and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions, and interests of such cities, boroughs, or towns."

(c) Railroad property restrictions.--For counties of the third, fourth, fifth, sixth, seventh and eighth class, the right-of-way of a railroad company may not be acquired or occupied without the consent of the company owning or operating or in possession of the property.

§ 16303. Declaration of intention.

A county shall declare its intention to acquire, enter upon, take, use and appropriate any private property or land for any of the purposes authorized by this chapter through a duly enacted ordinance.

§ 16304. Application of 26 Pa.C.S.

Eminent domain proceedings must conform to the provisions of 26 Pa.C.S. (relating to eminent domain), including payment of damages and costs.

CHAPTER 165
RECREATION PLACES

Sec.

- 16501. Acquisition of land and buildings for recreation places.
- 16502. Construction, equipment and maintenance and general powers.
- 16503. Fair, park and recreation boards.
- 16504. Officers of board.
- 16505. (Reserved).
- 16506. Indebtedness.
- 16507. Payment of expenses, taxation, annual fairs and State contributions.
- 16508. Park buildings.
- 16509. Use of receipts.
- 16510. Damages, forfeiture of leases and penalties.
- 16511. Employees and police.
- 16512. Duty of police.
- 16513. Property held in trust.
- 16514. (Reserved).
- 16515. (Reserved).
- 16516. (Reserved).
- 16517. Appropriations to political subdivisions for recreation places.

Enactment. Chapter 165 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 16501. Acquisition of land and buildings for recreation places.

(a) General rule.--The county commissioners may designate and set apart for use as recreation places, or for the enlarging or extending of recreation places, any lands or buildings owned by the county and not dedicated or devoted to other public use.

(b) Extension or enlargement of recreation places.--The county commissioners may acquire lands or buildings, by gift or purchase, or may lease lands for use as recreation places or for the extension or enlargement of recreation places.

(c) Private property.--The county commissioners may, in accordance with this part and 26 Pa.C.S. (relating to eminent domain):

(1) In counties of the second class A, acquire private property for the purpose of establishing, making, enlarging, extending, operating and maintaining public parks and multiuse recreational trails within the limits of the county.

(2) In counties of the third, fourth, fifth, sixth, seventh or eighth class, acquire private property by the power of eminent domain for use as, or the extension or enlargement of, recreation places.

(d) Limitation.--The power to acquire lands or buildings, by gift or purchase, may not extend beyond the limits of the particular county, except upon the consent of the adjoining county and municipal corporation which would be affected.

(e) Joint exercise of powers.--A county may exercise the powers granted in this part jointly with any political subdivision.

§ 16502. Construction, equipment and maintenance and general powers.

The county commissioners may build, alter, extend, enlarge, manage, supervise, equip, ornament, operate and maintain recreation places and may vest the authority to do so in an existing body or board or in a park board, recreation board or fair board, any of which may be established by the county commissioners for any purpose, function and place as the county commissioners may determine. For the purpose of carrying out this chapter, the county commissioners, or any body or board

vested with the authority of the county commissioners, may employ play leaders, recreation directors, supervisors, superintendents or any other officers or employees. The number and salary of the employees, to the extent that the employee's salary is paid from the money of the county, shall be determined by the salary board. All recreation places shall be kept in good order and repair.

§ 16503. Fair, park and recreation boards.

The county commissioners may establish a fair board, park board or recreation board, which shall possess all the powers and be subject to all the responsibilities of the county commissioners in the management, supervision, operation and maintenance of recreation places. A board shall consist of a minimum of five individuals and a maximum of nine individuals. The members of the boards shall be appointed by the county commissioners for a term to extend no longer than five years and the terms of the members shall be staggered so at least one expires annually. Members of the board shall serve without pay. Vacancies in the board occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

§ 16504. Officers of board.

The members of a fair board, park board or recreation board shall elect a chairperson and secretary and select all other necessary officers to serve for a period of one year and may, with the consent and approval of the county commissioners, employ individuals as needed under this chapter. The boards shall have the power to adopt rules and regulations for the conduct of all business within their jurisdiction.

§ 16505. (Reserved).

§ 16506. Indebtedness.

The county commissioners may issue bonds, in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing), for the purpose of acquiring lands or buildings for recreation places and for the construction, extension, enlargement, alteration or equipment thereof.

Cross References. Section 16506 is referred to in section 16507 of this title.

§ 16507. Payment of expenses, taxation, annual fairs and State contributions.

(a) **General rule.**--Expenses incurred in the operation of recreation places established under this chapter shall be payable from the treasury of the county. The county commissioners may annually appropriate and impose a tax to raise money for any of the purposes authorized in this chapter, including debt service upon bond issues authorized under section 16506 (relating to indebtedness). In counties of the second class A, the amount of the tax may not exceed two mills on the dollar of the assessed valuation of taxable property in the county.

(b) **Annual fair or agricultural exhibition.**--The county commissioners or the fair board may provide for and hold an annual fair or agricultural exhibition on county fairgrounds, and may accept aid or contributions from the Commonwealth under any act for the payment of premiums at any fair or exhibition.

Cross References. Section 16507 is referred to in section 14970 of this title.

§ 16508. Park buildings.

The county commissioners shall have exclusive power to lease all buildings and facilities within the park limits and to collect rent, fees and other consideration.

§ 16509. Use of receipts.

All rents, license charges and fees, all fines, proceeds of sales and profits that are collected, received or realized from recreation places and buildings in any county, shall be paid into the county treasury. Money or property given or bequeathed to the county commissioners upon specified trusts shall be received and receipted for by the county treasurer and held and applied according to the trusts specified.

§ 16510. Damages, forfeiture of leases and penalties.

(a) Liability for violation.--A person violating any rules and regulations adopted for recreation places shall be liable to the full extent of any damage committed by that person, in trespass or other action, and a tenant or licensed party who violates any rule and regulation, or consent to or permit the same to be violated on the premises, shall forfeit the lease or license and may be removed by a vote of the county commissioners. Every lease and license shall contain a clause stating that it shall be cause for forfeiture for a lessee or licensed party to violate or permit or suffer any violation of any rules and regulations.

(b) Specific offense.--In counties of the second class A, the violation of any rules or regulations of the county commissioners for the government of public parks shall constitute a summary offense.

§ 16511. Employees and police.

(a) Additional personnel permitted.--For the purpose of performing all necessary duties relating to 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 if no penalty or fine is involved, the county commissioners may employ or appoint and equip proper persons as may be authorized by the salary board to do all necessary and proper work connected with the requirements of this subsection, including police or guard duty.

(b) County park police.--The county commissioners of a county of the third class which is contiguous to a county of the second class may, by ordinance, create or disband a county park police force within the county. If a county park police force is created under this chapter, 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.

§ 16512. Duty of police.

(a) Arrest and initial appearance.--The police, county park police or guards appointed to duty in a recreation place, building and other county-owned property may:

(1) Arrest, without warrant, an offender against the rules and regulations, ordained or resolved by the county commissioners, that the police, county park police or guards appointed to duty may detect in the commission of an offense.

(2) Take the offender before a magisterial district judge having competent jurisdiction.

(b) Primary jurisdictional area for county park police.--In the ordinance creating a county park police force, the county commissioners shall designate a primary jurisdictional area where the county park police officers shall have jurisdiction. The primary jurisdictional area 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, county airport authority or by a community college of which the county is a local sponsor, whether the property is within or outside the territorial limits of the county. A county road, street or highway may 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 under this section.

(c) County park police powers and duties.--County park police shall have the following powers and duties:

(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 that may be exercised under authority of law or ordinance by the police of the municipalities in which the primary jurisdictional area is located, including those powers conferred under 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 take the offender before the proper authority and issue charges against the offender under the laws of this Commonwealth. Except when acting under 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, transport the offenders to the proper authority.

(6) To arrest an individual 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 transport the offender to the proper authority and prefer charges against the offender under the laws of this Commonwealth.

(d) Chief and other designations.--The county commissioners shall designate, from the county park police officers, the chief and other ranks or classifications of officers as desired by the county commissioners.

§ 16513. Property held in trust.

(a) Conveyance to county.--If the owner of any real property adapted to the use or purpose of public agriculture fairs or exhibits is willing to convey or devise the real property to the county wherein located, to be held in trust for the citizens and inhabitants of the county, the county commissioners may take title of the real property and hold the real property in trust for the benefit of the residents of the county.

(b) Acceptance of contributions.--The county commissioners may receive and accept contributions in buildings or materials for additional improvements on the real property conveyed or devised and held in trust.

(c) Lease of real property.--The county commissioners may lease real property acquired under this section to any incorporated agriculture association willing and financially

able to manage the premises, on condition that the premises shall be used annually for agriculture fairs and exhibitions without any liability or expense on the part of the county. Upon failure of a lessee to comply with the terms of any lease, the county shall retake possession of the leased property.

(d) Sale of real property.--If, for a period of five years, public use of the real property as contemplated by the grant or gift to the county is not made, the real property may be sold on petition to the court of common pleas under this part for the sale of county real property.

§ 16514. (Reserved).

§ 16515. (Reserved).

§ 16516. (Reserved).

§ 16517. **Appropriations to political subdivisions for recreation places.**

The county commissioners in counties of the third, fourth, fifth, sixth, seventh and eighth class may appropriate money from the county treasury to aid municipal corporations in the purchase, construction, operation and maintenance of recreation places.

CHAPTER 167

BRIDGES, VIADUCTS AND CULVERTS

Subchapter

- A. General Authority and Procedures for Providing Bridges
- B. Special Authorities and Procedures
- C. Taking Over or Assisting with Township or Municipal Bridges
- D. (Reserved)
- E. Taxation and Borrowing

Enactment. Chapter 167 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A

GENERAL AUTHORITY AND PROCEDURES FOR PROVIDING BRIDGES

Sec.

- 16700. Definitions.
- 16701. Authority, definitions and application of chapter.
- 16702. Maintenance and repairs.
- 16703. Acquisition of real property.
- 16704. Plans and surveys for bridges and viaducts.
- 16705. (Reserved).
- 16706. (Reserved).
- 16707. Approval of Federal or State agencies and change in location.
- 16708. (Reserved).
- 16709. (Reserved).
- 16710. (Reserved).
- 16711. Cost sharing.
- 16712. Boundary line bridges.
- 16713. (Reserved).
- 16714. Authorization to purchase.
- 16715. Privately owned bridge.
- 16716. Acceptance of donated bridge.

Cross References. Subchapter A is referred to in section 16750 of this title.

§ 16700. Definitions.

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

"Bridge." The term includes bridges, viaducts and culverts and all items pertaining to bridges, viaducts and culverts.

"Road." The term includes roads, streets, highways, lanes, alleys and all other public thoroughfares.

"Streams." The term includes streams, rivers, creeks, ponds, lakes and all other natural waters.

Cross References. Section 16700 is referred to in section 16901 of this title.

§ 16701. Authority, definitions and application of chapter.

(a) Bridges and viaducts.--The county commissioners may locate, lay out, open, construct, reconstruct, widen, straighten, extend, alter, replace, remove and otherwise 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 this chapter.

(b) Application.--This chapter shall apply to necessary approaches, abutments, slopes, walls, embankments, fills, piers and other items pertaining to bridges, viaducts and culverts as to the bridges, viaducts and culverts themselves.

(c) Limitation.--The provisions of this chapter may not apply to any matters relating to county bridges, viaducts or culverts to the extent they are covered by the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, or of any other law vesting in the Department of Transportation and the various counties of the Commonwealth, rights, powers and duties. The terms of the foregoing limitation shall apply as well for the former act of May 28, 1937 (P.L.1053, No.286), known as the Public Utility Law, and the Public Utility Commission.

(d) Entrance during exercise of authority.--Counties of the third, fourth, fifth, sixth, seventh and eighth class may not, in the exercise of any authority or duty conferred in this chapter, enter upon any road or property of any city or borough or adjacent to the county or act in derogation of the lawful authority of such political subdivision, except with the proper consent of such political subdivision.

(e) Obstruction prohibited.--Bridges provided under this chapter may not obstruct any canal or railroad, and nothing in this chapter shall be deemed to release any railroad or other public utility from the requirements of existing law.

§ 16702. Maintenance and repairs.

Every county bridge under this chapter shall be maintained and kept in repair by the county or counties involved except as may be otherwise provided by agreements between or among the county or counties and other political subdivisions or other persons as to the costs of the maintenance and repairs.

§ 16703. Acquisition of real property.

The county commissioners may purchase, in accordance with this part, accept by gift or acquire by the power of eminent domain real property devoted to private or public use in the manner provided by law.

§ 16704. Plans and surveys for bridges and viaducts.

If the county commissioners provide a bridge or viaduct under this chapter, the county commissioners shall prepare plans and

surveys showing the location of the proposed structure, the structures approaches and the property or rights of property affected by the structure, together with any roads in any municipal corporation proposed to be used in connection to the project.

§ 16705. (Reserved).

§ 16706. (Reserved).

§ 16707. **Approval of Federal or State agencies and change in location.**

If a proposed bridge crosses a navigable stream or other public water or the property or right-of-way of any railroad or other public utility requiring the approval of any Federal or State officer, board or body as to the location and construction of the bridge or its approaches, the county shall have authority to construct the bridge in another location and manner as may be necessary to comply with the conditions prescribed by the officer, board or body in granting approval, if the county commissioners deem the proposed bridge necessary for the convenience of the traveling public and accommodates 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.

§ 16708. (Reserved).

§ 16709. (Reserved).

§ 16710. (Reserved).

§ 16711. **Cost sharing.**

If a bridge is proposed to be located in a municipality, the county may enter into an agreement with the municipality if the municipality bears a portion of the cost of the location, laying out, opening, construction and maintenance of the bridge or that the municipality provides or maintains the approach to the bridge within the municipality or bears the costs of property damages of the approach. Each agreement shall be entered into in writing and at least one executed copy of the agreement shall be provided to each party. Each bridge shall be a county bridge and, except as otherwise provided, be maintained by the county. Maintenance expenses shall be provided out of county funds authorized for use in the maintenance of county bridges.

§ 16712. **Boundary line bridges.**

(a) **Boundary line bridge.**--If a bridge under this chapter is on the boundary line between two counties or within one-fourth of a mile from a boundary line and necessary for the accommodation of the inhabitants of both counties, the county commissioners of the counties shall act jointly in the exercise of all powers conferred upon the county commissioners and in the performance of all duties imposed upon the county commissioners. Except in a county of the second class A, if a petition of residents or taxpayers is required, the petition shall be made by the required number of petitioners in each county in relation to a boundary bridge under this section to the county commissioners of their county. If any other petitions are required, the petitions shall be made to the county commissioners in each of the counties. Each of the county commissioners shall act on petitions and shall communicate approval or disapproval to the other board.

(b) **Court-appointed viewers or inspectors.**--For a county of the second class A that is required to appoint viewers or inspectors, the court of the county shall appoint a full number of viewers or inspectors and order a view in the manner and with like powers, duties and procedure provided for public roads. The total number of viewers or inspectors shall act together in the view or inspection and shall make a joint report

and recommendations to each court. Exceptions and appeals to the report of viewers may be filed in the courts of either county, in which case the courts of the two counties sitting together shall hear and determine the matter.

(c) Publication of notice.--If publication of notice is required, the publication shall be made in each county. The approval of both boards of commissioners shall be necessary in order to authorize any action requiring approval.

(d) Commencement of eminent domain.--If the procedure under Chapter 163 (relating to eminent domain and injury to property) is to be followed, the procedure shall be carried out only in and by the county in which the lands, other property or materials entered upon, taken or damaged are located and the damages shall be paid by the county.

(e) Joint county bridge.--Any bridge shall be a joint county bridge. All costs and expenses pertaining to a joint county bridge and the maintenance thereof shall be borne by the two counties, jointly, in proportions agreed on by the county commissioners.

(f) Construction and maintenance.--Any authorized bridge shall be erected, constructed, maintained and kept in repair in the manner provided for bridges erected on the line of adjoining counties.

(g) Definition.--For the purposes of this section, the term "joint county bridge" shall include a bridge over the boundary line between two counties constructed or proposed to be constructed as part of the laying out, alteration or vacation of roads intended to form a continuous highway from one county to another.

§ 16713. (Reserved).

§ 16714. Authorization to purchase.

If, in accordance with this chapter, a county is authorized to erect a bridge, the county commissioners may purchase a bridge already erected at a reasonable cost instead of building a new bridge.

§ 16715. Privately owned bridge.

The county commissioners may take charge of or rebuild a bridge suitable for public traffic within the county that was abandoned by the owners.

§ 16716. Acceptance of donated bridge.

(a) County acceptance of bridge as donation.--The county commissioners may accept, take charge of and enter into county records as a county bridge any bridge within the county which has:

- (1) been built at the expense of a private person or by a public subscription;
- (2) been opened to free public travel;
- (3) been used by the public; and
- (4) become necessary and convenient for the use of the public.

(b) Notice.--

(1) A county may not accept, take charge of or enter into county records a bridge until the county has received written notice of the desire to give the bridge to the county from one of the following:

- (i) the individuals who built the bridge;
- (ii) subscribers to the original subscription on which the money was raised to build the bridge; or
- (iii) the heirs, assigns or duly authorized board of trustees representing the individuals or subscribers included under subparagraph (i) or (ii).

(2) If a bridge crosses the boundary line between two counties, the individual or the individual's heirs or the assignees, subscribers or trustees representing the individual shall give notice in writing to the county commissioners of each county of the intention to donate the bridge to the counties jointly.

(c) Costs and bond requirement.--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.

SUBCHAPTER B

SPECIAL AUTHORITIES AND PROCEDURES

Sec.

- 16730. Widening, straightening, altering or changing course of unnavigable streams for protection of county bridges and highways.
- 16731. Providing and maintaining dykes, banks, causeways and sluiceways for protection of bridges and highways.
- 16732. Lighting of county bridges.
- 16733. Temporary substitutes for bridges.
- 16734. Closing, vacating, abandoning and removing county bridges.
- 16735. Contracts for special use of bridge.
- 16736. Contracts with railroad companies.
- 16737. (Reserved).
- 16738. (Reserved).
- 16739. (Reserved).

§ 16730. Widening, straightening, altering or changing course of unnavigable streams for protection of county bridges and highways.

If, in the construction, repair or maintenance of a county bridge or highway, it becomes necessary for the safety of the bridge or highway or economically advisable to widen, straighten, alter, protect or change the course of an 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 the stream for these purposes, and, in connection with the entry, to take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law.

§ 16731. Providing and maintaining dykes, banks, causeways and sluiceways for protection of bridges and highways.

(a) Authority.--A county, for the purpose of protecting a county bridge or the abutments and approaches of a county bridge and any public highway adjacent to the county bridge 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 to and egress from the county bridge.

(b) Taking.--In connection with the exercise of the authority under subsection (a), 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.

(c) Approval.--A change in an existing stream channel under this subchapter may not be undertaken until it has been approved by the Department of Environmental Protection.

§ 16732. Lighting of county bridges.

If considered necessary for the safety and convenience of the traveling public, the county commissioners may provide a

county bridge with lights of any kind and character that the county commissioners shall deem suitable and may contract with any individual or with any municipal or private corporation for the purpose of supplying the necessary light.

§ 16733. Temporary substitutes for bridges.

If a 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 the destroyed or impassable bridge, until the bridge has been rebuilt or rendered fit for public travel. If the bridge was maintained at the joint expense of two adjoining counties, the establishment and maintenance of the ferry or temporary way shall be by joint discretionary action of the boards of commissioners of both counties, and the expense shall be paid by the counties in the same proportions as the maintenance of the bridge was paid before it was destroyed or rendered impassable.

§ 16734. Closing, vacating, abandoning and removing county bridges.

If it appears to the county commissioners that any county bridge, including any destroyed or partially destroyed bridge, has become burdensome and is no longer necessary for the accommodation of public travel, the county commissioners may close, vacate, abandon and remove the bridge.

§ 16735. Contracts for special use of bridge.

The county commissioners may enter into a contract or lease with a street railway, telegraph or telephone company or other public utility, or the successors or assigns of a street railway, telegraph or telephone company or other public utility, desiring to use a county bridge and the approaches of the bridge for other than ordinary public foot or vehicular traffic for the concurrent use of the portion of the public bridge and approaches as will not substantially impair or restrict the public use and enjoyment, upon agreed to terms and conditions, and may charge tolls or rentals for that special use. Contracts or leases entered into under this section may not be entered into for a longer period than 20 years, nor shall any contract or lease be entered into unless approved by the Pennsylvania Public Utility Commission or become effective, except in accordance with the provisions of the former act of May 28, 1937 (P.L.1053, No.286), known as the Public Utility Law.

§ 16736. Contracts with railroad companies.

(a) Contract with railroad.--A railroad company whose tracks or other facilities are located upon a county bridge may contract and agree with the county commissioners for the use, purchase, removal, replacing or exchange of the bridge, or for the compensation to be paid to the county by the company for the use and occupancy of the bridge or parts of the bridge.

(b) Debts.--All money due and all obligations incurred by the companies under a contract may be collected and enforced in the same manner as debts of like amount are recovered and similar obligations enforced in this Commonwealth.

§ 16737. (Reserved).

§ 16738. (Reserved).

§ 16739. (Reserved).

SUBCHAPTER C

**TAKING OVER OR ASSISTING WITH
TOWNSHIP OR MUNICIPAL BRIDGES**

Sec.

- 16750. Procedure for taking over bridge by county, aid to political subdivisions in construction and maintenance of bridge.
- 16751. Change of location.
- 16752. Construction of embankments and causeways.
- 16753. Contract for parts of municipal bridges.
- 16753.1. Contributions.
- 16754. Municipal cooperation.
- 16755. Construction of bridge over ravine or valley.
- 16756. Municipal bridge as county bridge.
- 16757. (Reserved).
- 16758. (Reserved).
- 16759. (Reserved).
- 16760. (Reserved).
- 16761. (Reserved).

§ 16750. Procedure for taking over bridge by county, aid to political subdivisions in construction and maintenance of bridge.

(a) Commissioner discretionary acceptance of costs.--If the construction of a new bridge, or of a 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 municipal corporations is necessary, and requires more expense than it is reasonable that the municipal corporations, individually or jointly, should bear, and if it shall appear to the county commissioners that such bridge is necessary, the bridge may, at the discretion of the county commissioners, be entered on record as a county bridge. The bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under Subchapter A (relating to general authority and procedures for providing bridges).

(b) Refusal to record bridge.--If the county commissioners refuse to have the bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing the bridge, including damages. The bridge shall be a municipal bridge to be maintained and kept in repair by the municipal corporation. The county commissioners may furnish the municipal corporation the whole or any part of the money necessary to maintain the municipal bridge.

(c) Retention of records.--The county commissioners shall keep a record of all proceedings under this section.

(d) Required advertising.--In addition to Chapters 151 (relating to contracts) and 161 (relating to grounds and buildings) relating to contracting for services and personal property, if the county commissioners propose to build or repair a bridge upon the line between the two adjoining counties, required advertising shall be done in each county, and a copy of the plans and specifications shall be kept in the county commissioner's office of each county.

§ 16751. Change of location.

In counties of the third, fourth, fifth, sixth, seventh and eighth class, if a bridge is to take the place of an existing bridge, the viewers may change the location of the bridge so that it may be located and built in the most suitable place, or at the least expense, or in the best manner, and, for the change of location of the bridge, the county commissioners shall report what change in the course or bed of the road connected with the bridge will be necessary, and shall also report the vacation of the old or existing bridge, and the vacation of the portion of the road connecting with the bridge as the county commissioners deem proper.

§ 16752. Construction of embankments and causeways.

In counties of the third, fourth, fifth, sixth, seventh and eighth class, in which a stream over which it may be necessary to build a bridge crosses a public road, and the building of the bridge requires the construction of an embankment or causeway leading to either end of such bridge, the erection of which embankment or causeway requires more expense than it is reasonable that one or more adjoining townships should bear, the bridge may, in the discretion of the county commissioners, be entered on record as a county improvement and constructed as county bridges are constructed.

§ 16753. Contract for parts of municipal bridges.

(a) Contract with municipal corporation.--If a municipal corporation may construct a bridge or viaduct over a stream or other place over which the county may build bridges and the municipal corporation may contract with the county and with railroads, street railways and other companies or parties interested for the building and maintenance of the bridge or viaduct and for the payment of any damages caused by the location or building, the county commissioners may contract with the municipal corporation for that part or portion of the bridge which crosses any of the places listed under this subsection, including the abutments and piers. The part shall be maintained as a county bridge.

(b) Contracts for partial structures permitted.--In lieu of the contract under subsection (a), 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) Contract terms.--The contracts under 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. The agreements may also provide for the maintenance of the viaducts and bridges after their erection.

§ 16753.1. Contributions.

If a bridge or viaduct is built by a municipality and does not cross any place over which the county may construct a bridge but crosses merely railroad or railroads and private property, the county commissioners of counties of the second class A may contract to pay an amount of money, not exceeding 30% of the entire cost of the proposed bridge or viaduct. The bridge or viaduct shall thereafter be maintained as a municipal structure, and the county may not be liable for any part of the cost of maintenance or repair thereof.

§ 16754. Municipal cooperation.

If a 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 the municipality has authority to build or rebuild the bridge or to join with any county therein, the county may join with said municipality in the other county in building or rebuilding the bridge. The cost of the bridge shall be paid in the relevant proportions as shall be agreed upon by the county and municipality that joined.

§ 16755. Construction of bridge over ravine or valley.

If different parts of any municipality or any two municipalities are separated by an intervening valley or ravine,

and the county commissioners in which the municipality or municipalities are located decide it is necessary that a public bridge be constructed, the county may contract with the municipality or municipalities for the laying out and construction of the bridge by the municipality or municipalities, and may pay to the municipality or municipalities the portion of the cost as the county commissioners deem reasonable.

§ 16756. Municipal bridge as county bridge.

If a public bridge has been built or maintained by one or more municipal corporations and it appears to the county commissioners that the care, maintenance and responsibility of the bridge is greater than it is reasonable that the municipal corporations should be responsible for, the county commissioners may enter the bridge upon record as a county bridge to be maintained, supervised and controlled by the county free and without charge.

§ 16757. (Reserved).

§ 16758. (Reserved).

§ 16759. (Reserved).

§ 16760. (Reserved).

§ 16761. (Reserved).

SUBCHAPTER D

(Reserved)

SUBCHAPTER E

TAXATION AND BORROWING

Sec.

16775. Appropriations and tax levy.

16776. Incurring of indebtedness and taxation for debt service.

§ 16775. Appropriations and tax levy.

In the exercise of the powers, authorities and duties provided in this chapter, a county may appropriate and pay out of the county general fund all money necessary for the purposes enumerated in this chapter, and may levy, assess and collect taxes on all real and personal property within the county, and taxable for county purposes, in addition to all other taxes.

§ 16776. Incurring of indebtedness and taxation for debt service.

A county constructing a bridge or making any other capital improvement or major repairs under this chapter may, under a resolution adopted by the county commissioners, incur indebtedness and borrow money under this section. A county may levy and collect on all taxable property in the county, in addition to all other taxes, for the purposes of servicing indebtedness under this section.

CHAPTER 169

ROADS

Subchapter

- A. Authorization, Construction and Maintenance
- B. Vacation as County Roads
- C. Continuous Highways from One County to Another
- D. County Aid to Municipalities and Townships
- E. Detours
- F. Protection of Roads

Enactment. Chapter 169 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

SUBCHAPTER A
AUTHORIZATION, CONSTRUCTION AND MAINTENANCE

Sec.

- 16901. Definitions.
- 16902. Establishing county roads.
- 16903. Acquisition of rights-of-way of abandoned railroads.
- 16904. Joint action by counties.
- 16905. (Reserved).
- 16906. Maintenance and repair of county roads.
- 16907. Annual tax.
- 16908. Borrowing money, bond issue and tax levy.
- 16909. Changing part of road upon agreement.
- 16910. Assessment of benefits.
- 16911. Interest on benefits assessed.
- 16912. Liens for benefits assessed.
- 16913. Sidewalks along county roads.
- 16914. Lights along county roads.
- 16915. (Reserved).
- 16916. (Reserved).
- 16917. (Reserved).
- 16918. (Reserved).
- 16919. (Reserved).
- 16920. Adoption of system of main thoroughfares.
- 16921. Improvement of municipal roads.
- 16922. Plan of system to be followed and variations.
- 16923. Improvement of roads not part of system on contribution from parties interested.

- 16924. (Reserved).
- 16925. (Reserved).
- 16926. (Reserved).
- 16927. (Reserved).
- 16928. (Reserved).
- 16929. (Reserved).
- 16930. Purchase, location, construction, operation and maintenance authorized.
- 16931. Contracts or lease for special use of improvements.
- 16932. Taking street or other property of municipal corporation.

- 16933. (Reserved).
- 16934. (Reserved).
- 16935. (Reserved).
- 16936. (Reserved).
- 16937. (Reserved).
- 16938. (Reserved).
- 16939. (Reserved).
- 16940. (Reserved).
- 16941. (Reserved).
- 16942. (Reserved).
- 16943. (Reserved).
- 16944. (Reserved).
- 16945. (Reserved).

§ 16901. Definitions.

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

"**Bridge.**" As defined in section 16700 (relating to definitions).

"**Road.**" As defined in section 16700.

"**Streams.**" As defined in section 16700.

§ 16902. Establishing county roads.

(a) Powers of the county commissioners.--For the purpose of providing public roads, specially constructed, improved and maintained, the county commissioners may:

- (1) Lay and open a road.
- (2) Take possession of and exercise control over an existing municipal road or part of a municipal road, or any road decreed by a court to be a county road.
- (3) Build and maintain roads as county roads within the county limits.
- (4) Straighten, widen, extend and alter any county road or part of the road laid out, opened or acquired and vacate as much as may become unnecessary and useless.

(b) Control of road by commissioners.--Any road taken over or improved shall become a county road and be subject to the control and supervision of the county commissioners. The county shall keep and maintain county roads established under this part and all other county roads in repair, the expense thereof to be paid by the county in the manner provided under this part.

Cross References. Section 16902 is referred to in section 16907 of this title.

§ 16903. Acquisition of rights-of-way of abandoned railroads.

(a) Commissioners control of rights-of-way.--The county commissioners may take over an abandoned right-of-way or bridge of a railroad company or any part of an abandoned right-of-way or bridge for the purpose of relocating an existing or locating a new county road, and the county commissioners may purchase the abandoned right-of-way or bridge or part thereof as may be necessary for the relocating or locating of the county road.

(b) County road to be laid out.--Whenever an abandoned right-of-way or bridge of a railroad company or any part thereof is purchased under this section, a county road shall be laid out, located thereafter constructed, improved and maintained in accordance with law. Any bridge taken over shall become a county bridge and shall be maintained, rebuilt and repaired accordingly.

Cross References. Section 16903 is referred to in section 16907 of this title.

§ 16904. Joint action by counties.

(a) Additional powers.--The provisions of this chapter may also be exercised jointly by adjoining counties as to roads extending along and adjacent to county lines and from one adjoining county into another.

(b) Procedure and jurisdiction.--The procedure and jurisdiction in each county under subsection (a) shall be the same as to any portion of the road lying within the limits of the county, except that the petition, plans and surveys of the road shall describe and exhibit every portion of the road within the limits of the county and every portion of the road extending along the line of or into an adjoining county. The portions of the road lying within limits of each county shall be treated in all proceedings as one continuous road.

Cross References. Section 16904 is referred to in section 16907 of this title.

§ 16905. (Reserved).

§ 16906. Maintenance and repair of county roads.

The county commissioners shall have prepared plans and estimates, as often as required, for the repair and maintenance of all roads which the county is required by law to maintain

and repair. Maintenance and repair may be undertaken by contract or through the use of county personnel, supplies and equipment. Any county may also lease any of the equipment of the county to any political subdivision within the county according to any terms and conditions agreed upon.

Cross References. Section 16906 is referred to in section 16907 of this title.

§ 16907. Annual tax.

The county commissioners may levy, assess and collect annual taxes upon all real and personal property within the county taxable for county purposes to acquire and secure a fund from which to pay all costs, damages and expenses required in the locating, opening, building, improving, widening, straightening, extending, maintaining, repairing or vacating of roads or parts of the road, and to take and use land as may be necessary in constructing and maintaining proper slopes, embankments, fills, culverts, embankment approaches and termini for roads, tunnels, subways and underground roads. The money raised may not be expended for any purpose other than those for which the tax was levied, except for the maintenance, repair, construction and reconstruction of any county bridge or bridges whether or not located on a county road or roads. The taxes shall be at the following rates and retained, respectively, for the following purposes:

- (1) Not more than two mills on the dollar in the aggregate for any of the following sections:
 - (i) 16902 (relating to establishing county roads).
 - (ii) 16903 (relating to acquisition of rights-of-way of abandoned railroads).
 - (iii) 16904 (relating to joint action by counties).
 - (iv) 16906 (relating to maintenance and repair of county roads).
 - (v) 16908 (relating to borrowing money, bond issue and tax levy).
 - (vi) 16909 (relating to changing part of road upon agreement).
 - (vii) 16910 (relating to assessment of benefits).
 - (viii) 16911 (relating to interest on benefits assessed).
 - (ix) 16912 (relating to liens for benefits assessed).
 - (x) 16913 (relating to sidewalks along county roads).
 - (xi) 16914 (relating to lights along county roads).
- (2) Not more than two mills on the dollar in the aggregate for any of the following sections:
 - (i) 16920 (relating to adoption of system of main thoroughfares).
 - (ii) 16921 (relating to improvement of municipal roads).
 - (iii) 16922 (relating to plan of system to be followed and variations).
 - (iv) 16923 (relating to improvement of roads not part of system on contribution from parties interested).
- (3) Not more than two mills on the dollar in the aggregate for any of the following sections:
 - (i) 16930 (relating to purchase, location, construction, operation and maintenance authorized).
 - (ii) 16931 (relating to contracts or lease for special use of improvements).

(iii) 16932 (relating to taking street or other property of municipal corporation).

Cross References. Section 16907 is referred to in section 14970 of this title.

§ 16908. Borrowing money, bond issue and tax levy.

The county commissioners may borrow money and secure indebtedness for the purposes authorized under this chapter, in accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

Cross References. Section 16908 is referred to in section 16907 of this title.

§ 16909. Changing part of road upon agreement.

If the county commissioners deem it advisable to construct or alter any part of any road under the supervision of the county commissioners and agree with the property owners affected by the change as to damages, the county commissioners may, upon payment of the damages agreed upon, construct or alter the part of the public road as contemplated in the agreement without the formality of a view. The old location of the road shall be vacated in accordance with this act.

Cross References. Section 16909 is referred to in section 16907 of this title.

§ 16910. Assessment of benefits.

If, in a county, a road or highway originally located, laid out, constructed, relocated, opened, straightened, widened, extended or altered or any part of the road or highway vacated, the viewers appointed to assess damages in accordance with 26 Pa.C.S. (relating to eminent domain), after determining the amount of damages sustained, shall assess the whole or part of the damages as may be represented by benefits upon the properties abutting on and benefited by the improvements. The remaining part of the damages, if any, not assessed against the abutting properties, shall be paid by the county. The total assessments for benefits shall in no case exceed the total damages awarded and agreed upon.

Cross References. Section 16910 is referred to in sections 16907, 16912 of this title.

§ 16911. Interest on benefits assessed.

All assessments for benefits shall bear interest at the expiration of 30 days after the assessments have been determined final and fixed and shall be payable to the treasurer of the county.

Cross References. Section 16911 is referred to in sections 16907, 16912 of this title.

§ 16912. Liens for benefits assessed.

(a) Filing, revival and collection of liens.--All liens for the assessment of benefits under sections 16910 (relating to assessment of benefits) and 16911 (relating to interest on benefits assessed) shall be filed, revived and collected in accordance with law.

(b) Appeal of liens.--Appeals taken may not prevent the filing of liens by any county for any assessment made by virtue of the viewers' report, but upon final determination of the issue the court may make an order as to any lien filed that shall appear right and proper.

Cross References. Section 16912 is referred to in section 16907 of this title.

§ 16913. Sidewalks along county roads.

If 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 sidewalks shall be paid by the county.

Cross References. Section 16913 is referred to in section 16907 of this title.

§ 16914. Lights along county roads.

If considered necessary for the safety and convenience of the traveling public, the county commissioners may supply and equip any county road or parts of the road with lights as deemed necessary. The county commissioners may contract with an individual or municipal or private corporation. The cost of the construction may and the cost of maintenance of all lights shall be paid by the county.

Cross References. Section 16914 is referred to in section 16907 of this title.

§ 16915. (Reserved).

§ 16916. (Reserved).

§ 16917. (Reserved).

§ 16918. (Reserved).

§ 16919. (Reserved).

§ 16920. Adoption of system of main thoroughfares.

(a) **System of roads.**--The county commissioners may, in the manner provided by this section, cause to be laid out, survey and adopt a system of main thoroughfares which the board shall determine the proper roads to be established and specially constructed and improved. In adopting the system under this subsection, the county 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 county. The county commissioners shall develop a plan or plans to be made showing the system of proposed roads, the relation of the proposed roads to existing public roads or roads to be supplied, 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 county commissioners, at least two county commissioners shall certify and file the plan for public inspection in the office of the county commissioners and record the plan in the office of the recorder of deeds.

(b) **Requirements.**--Subsection (a) shall be carried out in accordance with the following sections:

(1) This section.

(2) 16921 (relating to improvement of municipal roads).

(3) 16922 (relating to plan of system to be followed and variations).

(4) 16923 (relating to improvement of roads not part of system on contribution from parties interested).

(c) **Interference with real property.**--The proposed roads under subsection (a) may not be an easement upon private property or in any manner interfere with the use of private property until established as a public road by the action of the court of common pleas.

Cross References. Section 16920 is referred to in section 16907 of this title.

§ 16921. Improvement of municipal roads.

(a) **General rule.**--If a system of main thoroughfares had been adopted or if the adoption is being contemplated within two years after the commencement of the improvement, the county commissioners may take exclusive control of and improve any road or section of road located either wholly or in part in any municipal corporation, whether existing by the municipal corporation's authority or laid out in whole or in part by virtue of this act or otherwise.

(b) **Necessary power.**--For the purposes of subsection (a), the county commissioners may originally locate, lay out, establish in whole or in part, relocate, straighten, widen, extend, alter, open, construct and improve roads or vacate as much of a road rendered unnecessary and useless.

(c) **Maintenance.**--A road established, altered, constructed and improved under this section shall, by ordinance enacted by each municipal corporation through which the road shall pass, become a municipal road, and each respective municipal corporation through or into which the road extends shall maintain and keep the road.

Cross References. Section 16921 is referred to in sections 16907, 16920, 16922 of this title.

§ 16922. Plan of system to be followed and variations.

(a) **General rule.**--The county commissioners may:

- (1) relocate, straighten, widen, extend, alter, open, construct and improve the proposed roads as laid out, surveyed, marked and shown upon the plans of the system;
- (2) originally locate, lay out, establish, construct and improve roads which substantially supply the system or parts of the system which, although not parts of the system, are deemed by the court to be main thoroughfares of sufficient importance to be improved by the county and added to the plan; and
- (3) vacate as 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.

(b) **Limitation.**--After plans have been adopted and recorded under applicable law, all applications under section 16921 (relating to improvement of municipal roads) shall be restricted and shall relate only to the establishing, opening, constructing and improving the proposed roads of the system or parts of the system and the vacation of roads supplied by the portion opened and improved.

Cross References. Section 16922 is referred to in sections 16907, 16920 of this title.

§ 16923. Improvement of roads not part of system on contribution from parties interested.

The county commissioners may originally locate, lay out and establish in whole or in part, relocate, straighten, widen, extend, alter and open, construct and improve roads not part of the system nor deemed main thoroughfares, upon parties interested in paying or securing to be paid the proportion of the cost of the original construction and improvement as the commissioners may deem just, which may not be less than one-fourth of the cost.

Cross References. Section 16923 is referred to in sections 16907, 16920 of this title.

§ 16924. (Reserved).

§ 16925. (Reserved).

- § 16926. (Reserved).
- § 16927. (Reserved).
- § 16928. (Reserved).
- § 16929. (Reserved).
- § 16930. **Purchase, location, construction, operation and maintenance authorized.**

(a) **County purchase of structures.**--The county commissioners may, if deemed expedient, provide for the purchase, location, construction, operation and maintenance of roads, tunnels, subways or underground roads within the county, either wholly or partly within the boundaries of any municipal corporation. A road, tunnel, subway or underground road shall be a county road, tunnel, subway or underground road, and the duty of maintaining and keeping the road in repair shall devolve upon the county. All expenses under this section shall be paid by the county as provided under this subchapter.

(b) **Requirements.**--This section shall be carried out in accordance with the following sections:

- (1) 16931 (relating to contracts or lease for special use of improvements).
- (2) 16932 (relating to taking street or other property of municipal corporation).

Cross References. Section 16930 is referred to in section 16907 of this title.

§ 16931. Contracts or lease for special use of improvements.

The county commissioners 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 the road, tunnel or subway or underground road, as may not substantially impair or restrict the public use and enjoyment, upon agreed upon terms and conditions.

Cross References. Section 16931 is referred to in sections 16907, 16930 of this title.

§ 16932. Taking street or other property of municipal corporation.

If the county commissioners deem it necessary or advisable to enter upon or appropriate a road or property of any municipal corporation in the county or to take action affecting the property rights or authority of the municipal corporation for the purpose of constructing or maintaining a road, tunnel, subway or underground road or the improvement of a road, tunnel, subway or underground road which has been or is about to be purchased by the county or otherwise, the consent of the municipal corporation by ordinance shall be obtained before the actual entering in or upon or the appropriation of the road or property. After the entry and appropriation, the county shall be liable and charged with the supervision, control and maintenance of the roads and properties, or as much of the road or property as is taken and used for the purpose of constructing and maintaining the road, tunnel, subway or underground road or the improvement of the road, tunnel, subway or underground road, purchased or to be purchased.

Cross References. Section 16932 is referred to in sections 16907, 16930 of this title.

- § 16933. (Reserved).
- § 16934. (Reserved).
- § 16935. (Reserved).
- § 16936. (Reserved).

- § 16937. (Reserved).
- § 16938. (Reserved).
- § 16939. (Reserved).
- § 16940. (Reserved).
- § 16941. (Reserved).
- § 16942. (Reserved).
- § 16943. (Reserved).
- § 16944. (Reserved).
- § 16945. (Reserved).

SUBCHAPTER B
VACATION AS COUNTY ROADS

Sec.

16950. Vacation as county roads.

§ 16950. Vacation as county roads.

Upon petition of the county commissioners, the court of common pleas may vacate as a county road any portion of an abandoned or condemned road or a road purchased by the county or the permanent location or improvement of a road which has been ordered or made under this part or former acts relating to county roads. All portions of the vacated roads shall become roads of the municipal corporation through which the roads pass. Written notice of the contents of the petition and the time when the petition will be presented to the court shall be given by the county commissioners to the governing body of the municipal corporation through which the road passes at least 10 days before the date of presenting the petition. At the time the 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 findings to the court at a time the court directs. At any hearing in open court or before an examiner appointed by the court, all interested parties may appear and be heard. After the hearing, the court may grant the request of the petitioners and make a decree accordingly or make the order in the premises as the court deems right and just if the court finds the conditions of this part have been complied with. Orders of vacation may not be made until the municipal corporation affected has consented by an ordinance or resolution certified to the court.

SUBCHAPTER C
CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

Sec.

16953. Laying out, altering and vacating.

§ 16953. Laying out, altering and vacating.

Roads forming or intended to form a continuous highway from one county to another, which cross a river, creek or rivulet forming a boundary line between the counties, may be laid out or altered or vacated in the manner provided for other roads.

SUBCHAPTER D
COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

Sec.

- 16956. Municipal streets connecting two ends of county road.
- 16957. Municipal streets as terminus of county road.
- 16958. Improvements.
- 16959. Maintenance.
- 16960. Contracts with municipal corporations.

- 16961. (Reserved).
- 16962. (Reserved).
- 16963. Center line highway boundary between city or borough and township.
- 16964. (Reserved).
- 16965. Center line road boundary between city or borough and township in adjoining county.
- 16966. (Reserved).
- 16967. Improvement on order of common pleas.
- 16968. (Reserved).
- 16969. Improvements of roads connecting with State highway.
- 16970. Purchase and rental of road equipment to municipal corporations.

§ 16956. Municipal streets connecting two ends of county road.

If a city or borough intervenes between two ends of a county road and the municipal corporation has failed to properly improve the municipal streets constituting the shortest and most reasonable route through the municipal corporation that will connect the two ends of the county road, the board of commissioners may contract with the governing body of the municipal corporation to improve the shortest and most reasonable route connecting the two ends of the highway.

Cross References. Section 16956 is referred to in section 16958 of this title.

§ 16957. Municipal streets as terminus of county road.

(a) Contract for improvements.--If a county road terminates at the corporate limits of a city or borough in the same county or in another county and connects with a municipal street which the municipal corporation has failed to properly improve, and the county commissioners in which the municipal corporation is located deem the improvement of the municipal street necessary to make the county road easily accessible to residents or to the traveling public, the county commissioners may contract with the governing body of the municipal corporation to improve municipal streets, including streets connecting a county road with the business districts of the municipal corporation or with a system of improved streets in the municipal corporation or which connect the road with another county road terminating at the limits of the municipal corporation.

(b) Contract to connect roads.--The county commissioners may enter into a similar contract as subsection (a) with one or more municipal governing bodies if:

- (1) several municipal corporations are contiguous to each other;
- (2) a county road terminates at the corporate limits of any of the municipal corporations;
- (3) one or more of the municipal corporations have failed to properly improve a municipal street therein; and
- (4) the county commissioners deem the improvement of the street necessary in order to make the county road easily accessible to residents or to the traveling public.

Cross References. Section 16957 is referred to in section 16958 of this title.

§ 16958. Improvements.

The board of commissioners may widen, repave or otherwise improve municipal streets if necessary to accomplish any of the purposes of sections 16956 (relating to municipal streets connecting two ends of county road) and 16957 (relating to municipal streets as terminus of county road). If the improvement is made to a municipal street, the county may pay

the total cost of the improvement or the cost may be divided between or among the municipal corporations and the county.

§ 16959. Maintenance.

Before a municipal street is improved, the county commissioners and the governing body of the municipal corporation shall agree upon the maintenance of the street. The agreement may provide that:

(1) the street shall be kept and maintained in good repair by the municipal corporation and, upon the completion of the improvement, further liability and responsibility of the county shall terminate; or

(2) the street shall be kept and maintained in good repair by the county and the share of the municipal corporation shall be paid annually to the county.

§ 16960. Contracts with municipal corporations.

(a) Contract to construct improved road.--The county commissioners may contract with the governing bodies of municipal corporations, separately or jointly, providing that the county commissioners shall construct an improved road in a similar manner as a county road. The expense or cost of construction shall be borne jointly by the municipal corporations and the county in a ratio or proportions as may be agreed upon in each contract, notwithstanding if the municipal corporation intervenes between two ends of the county road or if the intersection is the terminus of a county road, State highway or township road.

(b) Payments made by the county.--Payment for the construction of roads under this section shall be made by the county, which shall be reimbursed by the municipal corporation in the sums as agreed upon in the contract or contracts.

(c) Maintenance and repair of jointly constructed roads.--A road jointly constructed under this section shall be repaired and maintained at the expense of the county. Nothing shall prevent the governing body of a municipal corporation from entering into a contract or contracts with the county for the maintenance of the improved road under terms and conditions as may be mutually satisfactory.

§ 16961. (Reserved).

§ 16962. (Reserved).

§ 16963. Center line highway boundary between city or borough and township.

(a) Grading, curbing and macadamizing of roads.--If the center line of any road constitutes the dividing line between any city or borough and a township located in the same county, the county commissioners and the commissioners or supervisors of the township may enter into a contract with the city or borough providing for the grading, curbing and macadamizing or paving of the roadway of the road. The cost shall be borne one-half by the city or borough and one-half by the township and the county in which the township is situated, in equal portions.

(b) Supervision for alterations or improvements.--Alterations or improvements under this section shall be constructed and subsequent repairs shall be made, under the supervision of the city or borough, in compliance with applicable laws and in further compliance with plans and specifications to be agreed upon in writing between the city or borough and the board of county commissioners and the governing body of the township. The cost of repairs shall be borne one-half by the city or borough and one-half by the township or by the county and township, in equal portions or

other proportion as may be agreed upon by the county and township.

Cross References. Section 16963 is referred to in section 16967 of this title.

§ 16964. (Reserved).

§ 16965. Center line road boundary between city or borough and township in adjoining county.

(a) Costs.--If the center line of any road constitutes a dividing line between a township and a city or borough located in an adjacent county, the county commissioners and the commissioners or supervisors of the township may enter into a contract with the city or borough providing for the grading, curbing, macadamizing or paving of the roadway of the road. The cost shall be borne one-half by the city or borough and one-half by the township and the county in which the township is situated, in equal portions.

(b) Supervision of city or borough.--Alterations or improvements under this section shall be constructed and subsequent repairs shall be made under the supervision of the city or borough in compliance with applicable law and in further compliance with plans and specifications to be agreed upon in writing between the municipal corporation and the county commissioners and the governing body of the township. The cost of repairs shall be borne one-half by the city or borough and one-half by the township or by the county and township, in equal portions or other proportion as may be agreed upon by the county and township.

§ 16966. (Reserved).

§ 16967. Improvement on order of common pleas.

(a) Court ordered improvements.--If contracts or agreements under section 16963 (relating to center line highway boundary between city or borough and township) are impossible to enter into or if either the city or borough and the township or the county in which the township is situated, refuses to enter into the contract or agreement, either a municipal corporation or the county may present a petition to the court of common pleas of either county setting forth the facts and circumstances, including:

(1) the condition of the road from which the necessity and desirability for the grading, curbing, macadamizing or paving of the roadway appears;

(2) the estimated cost; and

(3) that the terms of the contract cannot be agreed upon by the municipal corporations or the county or that the municipal corporations or the county refuses to enter into a contract.

(b) Petition and service.--The petition under subsection (a) may request that the court, after hearing all the parties concerned, make the court's order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made and requiring the parties to enter into a contract for the making and constructing of the improvement. A copy of the petition, duly certified, shall be served upon the municipal corporations or county concerned, other than the petitioner, with notice of the day fixed by the court for the hearing. Any of the parties served with notice shall be entitled, on or before the date, to file in the court the party's answer to the petition setting forth the party's version of the facts or other matters as may be deemed necessary or proper.

(c) Hearing or referral.--The court, upon the date fixed or other time as the court may appoint, shall hear the evidence of the parties or may refer the matter to a master who shall hear the testimony of the parties and report 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 findings, and may issue a decree or order directing the making of any alterations or improvements to the roadway as may be deemed reasonably necessary or desirable and provide for the sharing of the cost of the improvements one-half by the municipal corporation and one-half by the county and township, in equal portions.

(d) Additional findings.--The following apply:

(1) The order or decree under subsection (c) may further provide that the repairs to alterations and improvements subsequently required shall be borne as follows:

(i) one-half by the municipal corporation, either borough or city; and

(ii) one-half by the county or township in equal portions or other proportions as the court may find to be legal and proper.

(2) Upon the finding by the court, the grading, curbing, macadamizing or paving of the roadway shall proceed in accordance with the decree or order of the court in the same manner as if the contract or agreement had been entered into and duly executed.

§ 16968. (Reserved).

§ 16969. Improvements of roads connecting with State highway.

The county may, singly or jointly with any municipal corporation, appropriate and expend money for the improvement of any road, not more than one mile in length in distance, outside of the limits of a municipal corporation, for the purpose of connecting improved streets in the municipal corporations with a State highway.

§ 16970. Purchase and rental of road equipment to municipal corporations.

The county commissioners may purchase equipment for the preparation of road material and the construction and maintenance of roads as the county commissioners deem necessary and pay for the equipment out of the general funds of the county. Equipment may be rented by the county commissioners to any of the municipal corporations within the county applying for equipment rental, under regulations and at rentals as the county commissioners shall prescribe and fix. All equipment 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.

SUBCHAPTER E

DETOURS

Sec.

16975. County road detours.

16976. Detour over private lands.

16977. Fines and damages.

§ 16975. County road detours.

(a) Closure of roads.--Except for an emergency in which the safety of the public would be endangered, a county road may not be closed to vehicular traffic except upon order of the county commissioners and may not be closed for a longer period than is necessary for the purpose for which the order is issued. Except for temporary emergency police measures by which the

safety of the public would be endangered if it were not temporarily closed, a county road may not be closed to vehicular traffic if the road has been designated as a detour by the Department of Transportation, unless the written consent of the Department of Transportation has first been obtained or unless the county commissioners having jurisdiction over the road, by resolution, declare the closing necessary for the protection of the public safety.

(b) Designation of detour on road closure.--If a county road is closed to vehicular travel, the county commissioners shall immediately designate or lay out a detour on which the county commissioners shall cause to be erected and maintained while the detour is in use legible signs at each public road intersection throughout the entire length of the detour indicating the direction to the main highway. During the period when the detour is in use, the county commissioners shall maintain the detour in a safe and passable condition. The county commissioners shall also immediately remove all detour signs when the highway originally closed is opened again for traffic.

(c) Repair of road designated as detour.--The county commissioners shall, as soon as possible, repair the road designated as a detour and place the road in a condition at least equal to the road's condition when designated as a detour.

Cross References. Section 16975 is referred to in sections 16976, 16977 of this title.

§ 16976. Detour over private lands.

If necessary in the creation of a detour under section 16975 (relating to county road detours), 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 may pay for the necessary maintenance, subsequent repair and land rental out of funds available for the construction and maintenance of the roads in the commissioners charge.

§ 16977. Fines and damages.

(a) Summary offense and exception.--

(1) Except as provided under paragraph (2), an individual who shall willfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign, warning or traffic control device of any character whatsoever, erected or placed under the authority of section 16975 (relating to county road detours), or who drives on, over or across a road which had been closed by proper authority, commits a summary offense.

(2) Individuals who have no outlet due to the closing of a road may drive on, over or across the road, with the consent in writing of and subject to any conditions as may be prescribed by the county commissioners responsible for the closing, or the agents or contractors of the individual, without being subject to the fines imposed by this section.

(b) Recovery of damages.--In addition to the fines under subsection (a), the county commissioners responsible for the maintenance of a road which has been closed to vehicular traffic, or the agents or contractors of the county commissioners, may, in an action at law, recover damages from each individual who has damaged a road when the road is closed to vehicular traffic.

(c) **Fines paid to county treasurer.**--All fines collected under the provision of this section shall be paid to the county treasurer for the general use of the county.

SUBCHAPTER F
PROTECTION OF ROADS

Sec.

16981. (Reserved).
16982. (Reserved).
16983. (Reserved).
16984. (Reserved).
16985. Sign destruction penalties.
16986. Snow fences.
16987. Elimination of dangerous curves and widening of narrow roads.

§ 16981. (Reserved).

§ 16982. (Reserved).

§ 16983. (Reserved).

§ 16984. (Reserved).

§ 16985. **Sign destruction penalties.**

(a) **General rule.**--It shall be unlawful for an individual to willfully destroy, remove, injure or deface any sign or index board erected upon or near any public street, road or bridge by the authorities of any county, or erected, with the consent of such authorities, by any club, association or other organized body, for the direction, guidance or safety of travelers. Each sign affixed to a tree or post in or upon a road, properly erected in a manner that the sign does not interfere with travel, or on a fence, telegraph, telephone, trolley or other pole, with the permission of the owners of the fence or pole, or on private grounds, if consent has been obtained from the owners and tenants, and which are close to roads, shall be within the provisions of this section.

(b) **Penalties.**--An individual who violates the provisions of this section commits a summary offense and, in addition to other fines and penalties provided by law, may be required to provide reimbursement for the value of a sign destroyed.

§ 16986. **Snow fences.**

(a) **Placement.**--A county that is responsible for the maintenance of any road may enter upon private property adjacent to the road and place snow fences, at any point as may be necessary to within a limit of 100 feet from the right-of-way line of the road, in order to eliminate snow drifting on the traveled portion.

(b) **Timeframe.**--A snow fence, authorized under this section, may not be placed prior to November 1 nor shall the same remain in place after April 1 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 the snow fence.

(c) **Damages.**--If the county responsible for the maintenance of the road is not able to enter into an agreement with the owner of adjacent property occupied by the snow fence as to the amount of damages sustained as a result of the 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. The appointment of viewers and the procedure for viewing shall be governed by and be in accordance with this part, as provided for eminent domain proceedings. Damages, if any, if ascertained, shall be paid by the county responsible for the maintenance of the road, and any money

available to the county for the construction and maintenance of roads under the county's supervision shall be available for the payment of damages.

§ 16987. Elimination of dangerous curves and widening of narrow roads.

(a) General rule.--A county may acquire, by purchase or by the right of eminent domain, property and lands situate along or adjacent to any county road as, in the opinion of the county commissioners, may be necessary to eliminate dangerous curves and widen narrow roads, for the better protection and safety to the traveling public.

(b) Condemnation.--Upon a purchase or condemnation, the county commissioners having had property and lands condemned may cause to be abated or removed any dangerous curve or curves or widen the narrow road to the extent of the property and land so acquired.

(c) Proceedings.--Proceedings for the condemnation of property and lands shall be as provided under Chapter 163 (relating to eminent domain and injury to property).

CHAPTER 171

SOUTHWESTERN PENNSYLVANIA REGIONAL RENAISSANCE INITIATIVE

Subchapter

- A. Preliminary Provisions
- B. Regional Growth Fund
- C. Regional Renaissance Authority
- D. Bonds and Funds of Authority
- E. Additional Sales and Use Taxes
- F. Increase in Hotel Tax
- G. Regional Destination Facilities Fund
- H. Conveyance of David L. Lawrence Convention Center

Enactment. Chapter 171 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 171 is referred to in section 102 of this title.

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

- 17111. Scope of chapter.
- 17112. Findings and declaration of policy.
- 17113. Definitions.

§ 17111. Scope of chapter.

This chapter relates to the southwestern Pennsylvania regional renaissance initiative.

§ 17112. Findings and declaration of policy.

(a) Findings.--The General Assembly finds the following:

(1) The health, safety and general welfare of the residents of southwestern Pennsylvania 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 residents of the region.

(b) Declaration of policy.--It is declared to be the public policy of the Commonwealth to promote the health, welfare and quality of life of the residents of southwestern Pennsylvania and to enhance economic development and employment in that region by supporting the construction of regional destination facilities and other regional growth projects for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism. That purpose is declared to be a public purpose supporting the enactment of all of the provisions of this chapter and for which public money may be spent, taxes may be imposed and private property may be acquired by the exercise of the power of eminent domain.

§ 17113. Definitions.

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

"Auditorium authority." The authority created to operate the convention center under the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law.

"Authority." The Regional Renaissance Authority established under section 17131 (relating to authority established).

"Authority employee." The chairperson and members of the board of the authority, counsel retained by the authority either as an employee or otherwise, the chief administrative officer of the authority and any employee with discretionary powers who may affect the outcome of a decision by the authority in relation to a private corporation or business or any employee who by virtue of the employee's job function could influence the outcome of a decision.

"Baseball park." A baseball park to be constructed in the central city, designed for the purpose of playing major league baseball games.

"Board." The governing body of the Regional Renaissance Authority.

"Bonds." Notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidences of indebtedness or obligations that the authority may issue under this chapter. 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." A city of the second class located in a county of the second class.

"Central county." A county of the second class.

"Construction." The term includes 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." 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 paragraph (1); or

(3) is a county of the sixth class and is located to the south and west of a county described in paragraph (2).

"Convention and visitors bureau." The tourist promotion agency located in the central city that receives funds from the hotel tax imposed by former section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

"Convention center." The real property described in section 17181(a) (relating to conveyance of convention center), together with the structures, facilities, buildings, fixtures and improvements located thereon, and known as the David L. Lawrence Convention Center.

"County account." A special account established within the Regional Growth Fund under section 17121(c) (relating to establishment of Regional Growth Fund).

"County growth board." A new or existing entity designated under section 17122(c)(2)(ii) (relating to use of Regional Growth Fund) for the purpose of developing a county growth plan.

"County growth plan." A plan for the use of money in a county account that is developed and submitted to the authority in accordance with section 17122(c).

"Cultural district." 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." The Department of Revenue of the Commonwealth.

"Design commission." The Southwestern Pennsylvania Convention Center Design Commission established under section 17162 (relating to Southwestern Pennsylvania Convention Center Design Commission).

"Football stadium." A football stadium to be constructed in the central city, designed for the purpose of playing National Football League games.

"Governing body." 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." A parent, spouse, child, brother, sister, the spouse of a child, brother or sister or the parent of a spouse.

"Participating county." A county in which the referendum provided for in section 17154 (relating to referenda levying additional taxes) has been approved by the voters.

"Party officer." 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 employee." An individual employed by the Commonwealth or a political subdivision within the Commonwealth.

"Public officer." An individual elected to any public office of Commonwealth government or any political subdivision within the Commonwealth.

"Public official." Any elected or appointed official in the executive, legislative or judicial branch of Commonwealth government or any political subdivision within the Commonwealth. The term does not include the following:

(1) Members of advisory boards who do not have authority to expend public money other than reimbursement for personal expenses or to otherwise exercise the power of the Commonwealth or any political subdivision within the Commonwealth.

(2) Any appointed official who does not receive compensation other than reimbursement for actual expenses.

"Regional Destination Facilities Fund." The Regional Destination Facilities Fund established under section 17171 (relating to establishment of Regional Destination Facilities Fund).

"Regional destination facility." Any of the following:

(1) The convention center.

(2) The baseball park.

(3) The football stadium.

(4) Parks, parking facilities and at least two theaters to be constructed in the cultural district.

"Regional Growth Fund." The Regional Growth Fund established under section 17121.

SUBCHAPTER B

REGIONAL GROWTH FUND

Sec.

17121. Establishment of Regional Growth Fund.

17122. Use of Regional Growth Fund.

§ 17121. Establishment of Regional Growth Fund.

(a) Establishment.--The Regional Growth Fund is established. 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) Credits.--Taxes imposed under Subchapter E (relating to additional sales and use taxes) 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 Subchapter E and any refunds and credits paid, shall be credited in the manner provided in section 17152(f) (relating to imposition of additional sales and use taxes) to the Regional Growth Fund not less frequently than every two weeks. Any amounts appropriated to the Regional Growth Fund by the General Assembly and any contributions received from any other source shall be credited to the Regional Growth Fund.

(c) Special accounts.--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 17152 from a particular county and deposited into the Regional Growth Fund in accordance with section 17152(f) shall be credited to the special account for that county. All of the money 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 money in its county account for a regional project located outside of the county.

(d) Other special accounts.--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. Money 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 money.

(e) Restrictions.--All money in the Regional Growth Fund, including money credited under this section, prior year encumbrances and the interest earned on the money in the fund, may 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 chapter.

(f) Earnings.--Pending disbursement, money received on behalf of or deposited into the Regional Growth Fund shall be invested or reinvested in the same manner as money in the custody of the State Treasurer. All earnings received from the investment or reinvestment of the money shall be credited to the Regional Growth Fund and shall be allocated on a proportional basis to each special account within the Regional Growth Fund.

Cross References. Section 17121 is referred to in sections 17113, 17136 of this title.

§ 17122. Use of Regional Growth Fund.

(a) General rule.--Subject to the limitations in subsections (b) and (c), money 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 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 money 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) Limitations.--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 may not exceed 50% of the total cost of the project.

(2) No money may be expended from the Regional Growth Fund for operating costs of any project or facility.

(3) No more than 20% of the money in a county account may be used for the purpose described in subsection (a) (4).

(4) No more than 40% of the money in a county account may be used for the purpose described in subsection (a)(5).

(c) Notification.--

(1) No later than March 31, 1998, each participating county shall initially notify the board if the county intends to develop and submit a county growth plan, which of the optional methods described in paragraph (2) will be used and what portion of the money in the county account shall be reserved for implementation of the plan. In establishing the long-term budget and capital budget under sections 17135 (relating to initial financial plan) and 17136 (relating to capital budgets), the board shall reserve money in each county account in accordance with the notification and shall not approve projects using reserved money unless they are contained in the county growth plan.

(2) If a participating county chooses to develop and submit a county growth plan to the authority, the governing body of a participating county shall select one of the following three methods for developing the plan:

(i) The redevelopment authority of the county created under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, may adopt a county growth plan by resolution and submit it to the authority. The redevelopment authority must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(ii) The governing body may create a county growth board or designate an existing public or nonprofit agency to serve as the county growth board. The county growth board must hold at least one public hearing regarding the plan or any revision to the plan prior to adopting the plan or revision and submitting it to the authority.

(iii) The governing body may directly adopt a county growth plan by resolution and submit it to the authority. The governing body must hold at least one public hearing 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 may not exceed the total amount projected to be deposited into the account.

(d) Automatic approval.--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 is contained in a county growth plan, up to the amount of money available in the county account.

Cross References. Section 17122 is referred to in sections 17113, 17136 of this title.

REGIONAL RENAISSANCE AUTHORITY

Sec.

- 17131. Authority established.
- 17132. Board of authority.
- 17133. Purposes and powers.
- 17134. Fiscal matters.
- 17135. Initial financial plan.
- 17136. Capital budgets.
- 17137. Operating budget.
- 17138. Restrictions upon activities of board members and employees.
- 17139. Exemption from taxation.

§ 17131. Authority established.

(a) **General rule.**--A body corporate and politic to be known as the Regional Renaissance Authority is established as a special purpose areawide unit of local government under section 7 of Article IX of the Constitution of Pennsylvania exercising powers as a unit of local government under this chapter and having territorial limits that encompass the geographic areas of the participating counties. The exercise by the authority of the powers conferred by this chapter is the performance of an essential public function.

(b) **Time.**--The authority shall be established at the time set forth in section 17154(e) (relating to referenda levying additional taxes). Once established, the authority shall continue in existence perpetually.

(c) **Sovereign immunity.**--The following apply:

(1) The authority and its board members, officers and employees shall have sovereign immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver).

(2) The authority and its board members, officers and employees shall remain immune from suit except as provided by and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties).

(3) Notwithstanding 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 employees when acting within the scope of their official duties.

(d) **Liability.**--Members of the board may not be held personally liable for the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority.

Cross References. Section 17131 is referred to in sections 17113, 17154 of this title.

§ 17132. Board of authority.

(a) **General rule.**--The powers of the authority shall be exercised by a governing body having full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers given to the authority may be exercised. All bylaws, rules and regulations and amendments of the bylaws, rules and regulations shall be filed with the secretary of the authority.

(b) **Appointments.**--The members of the board of the authority shall be appointed as follows:

(1) The Governor shall appoint three members, not all of whom are members of the same political party and at least one of whom has experience and expertise in convention and tourism promotion programs.

(2) The President pro tempore of the Senate shall appoint a member.

(3) The Speaker of the House of Representatives shall appoint a member.

(4) The Minority Leader of the Senate shall appoint a member.

(5) The Minority Leader of the House of Representatives shall appoint a member.

(6) The governing body of the central county shall appoint a member to represent that county.

(7) The governing body of each other participating county shall appoint a member to represent that county.

(8) The mayor of the central city shall appoint a member to represent that city.

(c) Members.--

(1) The number of members of the board appointed under subsection (b)(4), (5), (6) and (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), (5), (6), (7) and (8) shall consult with each other to ensure:

(i) If there is more than one participating county, that not more than a majority of the members of the board appointed under subsection (b)(4), (5), (6), (7) and (8) are residents of any one participating county.

(ii) That the board is reflective, to the extent feasible, of the cultural, racial, ethnic and gender demographic proportions of the participating counties.

(d) Appointment lists.--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 the 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. The individuals appointed must have the unanimous approval of all of the members of the governing body in office at the time.

(e) Term.--

(1) The term of office of a member of the board appointed:

(i) under subsection (b)(1), (2) and (3) shall be four years; and

(ii) under subsection (b)(4), (5), (6), (7) and (8) shall be five years.

(2) The term of office of a member shall begin on the date of appointment. Members may hold office until successors have been appointed and qualified or until death or resignation.

(3) An individual may not serve more than two consecutive full terms on the board.

(4) An individual appointed to the board when a vacancy occurs during the term of office of a member of the board shall serve for the remainder of the term. A vacancy in the office of a member appointed under subsection (b)(4), (5), (6) and (7) shall be filled for the balance of the term by appointment made by the individual who at the time is the

ranking member in the same chamber of the General Assembly and of the same political party as the individual who appointed the vacating member.

(f) Officers.--The Governor shall select one of the initial members of the board as the interim chair of the authority and shall, within 10 days of the effective date of the establishment of the authority, set a date, time and place for the initial organizational meeting of the board. The members shall elect a chair, vice chair, secretary, treasurer and other officers. A 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) Meetings.--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) Advisory members.--There shall be nonvoting advisory members of the board with the right to attend and be heard at every meeting of the board who shall be 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 appointed under paragraph (1), the authority may appoint one or more additional advisory members.

Cross References. Section 17132 is referred to in sections 17133, 17138, 17154 of this title.

§ 17133. Purposes and powers.

(a) Purposes.--The purpose of the authority includes, but is not limited to, the following:

- (1) Supporting and financing the construction of regional destination facilities.
- (2) Assuring the efficient and effective operation and development of regional destination facilities.
- (3) Supporting and financing the construction of other economic development projects.

(b) Powers.--Subject to the limitations under subsection (d), the authority is granted all powers necessary or convenient to carry out the authority's purposes, including to:

- (1) Have continuing succession.
- (2) Sue and be sued, implead and be impleaded, complain and defend in all courts.
- (3) Adopt, use and alter at will a corporate seal.
- (4) 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 of the facility.
- (5) Sell, transfer or dispose of any property or interest therein for adequate and fair consideration.
- (6) Acquire, hold, develop, construct, maintain, manage, operate, repair, own, lease or sublease a regional destination facility or parts of the facility and projects funded from the Regional Growth Fund.
- (7) Make, enter into and award contracts with any person for the development, financing, construction, maintenance, operation and repair of regional destination facilities or parts of the facility and projects funded from the Regional Growth Fund.
- (8) Conduct financial and performance reviews and audits of regional destination facilities and projects funded from the Regional Growth Fund.
- (9) 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) Make bylaws for the regulation of the authority's affairs and promulgate rules, regulations and policies in connection with the performance of the authority's functions and duties.
- (11)
 - (i) Borrow money for the purpose of paying the costs of any project and to evidence such borrowing in any customary and appropriate fashion.
 - (ii) 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) 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) Obtain credit enhancement or liquidity facilities in connection with any bonds as the authority shall determine to be advantageous.
 - (v) Provide, in general, for the security for the bonds and for the rights of the holders of the bonds.
- (12) Make, enter into and award contracts and to execute all instruments necessary or convenient for the carrying out of its business.
- (13) 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) Mortgage, pledge, hypothecate or otherwise encumber any of its property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including 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) 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) Invest authority money.

(17) Cooperate with any Federal agency, State public body or political subdivision.

(18) Invest money not required for immediate disbursement in reserve or sinking funds.

(19) Appoint all officers, agents and employees 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) Enroll authority employees in a retirement system, including an existing retirement system of a participating county or any other governmental entity located within a participating county.

(21) Appoint and fix the compensation of chief counsel and assistant counsel, who may not be required to be employees of the authority, to provide it with legal assistance. Notwithstanding 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 employees when acting within the scope of their official duties.

(22) 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 the authority under this chapter or any other law.

(c) Eminent domain.--The authority, upon making a finding that it is necessary or convenient to acquire any real or personal property in the central city for 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 under 26 Pa.C.S. (relating to eminent domain), 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 may 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 under section 17132(b)(1) and (3) (relating to board of authority).

(d) Operations.--Notwithstanding any purpose of the authority or a general or specific power granted by this chapter or any other law, 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 chapter or any other act to the contrary or of any implication that may be drawn from this chapter or any other law, 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 may not assume the responsibility of employing personnel directly engaged in the operation of regional destination facilities described in paragraphs (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 may 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.

§ 17134. Fiscal matters.

(a) **Fiscal year.**--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) **Annual report.**--The board 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 the General Assembly.

(c) **Audit.**--The board shall provide for an annual audit of the authority by an independent certified public accounting firm.

§ 17135. Initial financial plan.

(a) **Agreements.**--Immediately upon the creation of the authority, the board shall commence the negotiation, with 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 may not be owned by the teams that will be the 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) Budgets.--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 17136 (relating to capital budgets) and 17137 (relating to operating budget), 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 projects included in a 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 90 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.

Cross References. Section 17135 is referred to in sections 17122, 17172 of this title.

§ 17136. Capital budgets.

(a) General rule.--At least 90 days before commencement of the ensuing fiscal year of the authority, recommended capital budgets relating to the Regional Destination Facilities Fund and the Regional Growth Fund shall be prepared and submitted to the board. 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 17137 (relating to operating budget).

(b) Vote.--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 sections 17121 (relating to establishment of Regional Growth Fund) and 17122 (relating to use of Regional Growth Fund).

(c) Public hearing.--The board shall conduct an annual public hearing regarding the proposed annual capital budget for the Regional Growth Fund.

Cross References. Section 17136 is referred to in sections 17122, 17135 of this title.

§ 17137. Operating budget.

(a) General rule.--At least 90 days before commencement of the ensuing fiscal year of the authority, a recommended operating budget shall be prepared and submitted to the board. 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 30 days before the end of the current fiscal year.

(b) Expenses.--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. Money drawn under this subsection 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 1% of the total revenues from the taxes imposed under Subchapter E (relating to additional sales and use taxes) to pay the administrative expenses of the authority.

(c) Public hearing.--The board shall conduct public hearings and meetings regarding its operating budget.

Cross References. Section 17137 is referred to in sections 17135, 17136, 17172 of this title.

§ 17138. Restrictions upon activities of board members and employees.

(a) General rule.--A member of the board or an employee of the authority may not, concurrent with the service of the member or employee with the authority, be a party officer, public officer, public official, public employee or a member of the immediate family of a party officer, public officer or public official. This section may not apply to members of the board appointed under section 17132(b)(4), (5), (6), (7) and (8) (relating to board of authority).

(b) Applicability.--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 made specifically applicable to board members, officers and employees of the authority. For the purposes of application of the referenced acts, employees of the authority shall be regarded as public employees of the Commonwealth and officers or board members of the authority shall be regarded as public officials of the Commonwealth, regardless of if the employees receive compensation. The authority shall also be subject to 65 Pa.C.S. (relating to public officers) and the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, relating to the inspection and copying of public records.

§ 17139. Exemption from taxation.

The effectuation of the authorized purpose of the authority shall be exclusively for the benefit of the residents of this Commonwealth, the increase of commerce and prosperity and the improvement of health and living conditions. The authority may not be required to pay taxes or assessments upon any property acquired or used by the authority for the purposes under this section, and the bonds issued by the authority and the interest and income related to the bonds shall be free from State and local taxation.

SUBCHAPTER D

BONDS AND FUNDS OF AUTHORITY

Sec.

17141. Bonds.

17142. Governmental immunity.

17143. Money of authority.

17144. Transfer of money.

§ 17141. Bonds.

The authority may issue bonds, sell bonds, use net proceeds of bond sales, refund bonds, adopt pledges, mortgages, covenants, indentures and trusts, exercise remedies and confer additional remedies upon persons holding bonds in the same

manner as provided in 64 Pa.C.S. Ch. 60 (relating to Pennsylvania Convention Center Authority).

§ 17142. Governmental immunity.

Except as provided by and subject to 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and C (relating to actions against local parties), the authority and its officers, officials and employees shall have governmental immunity.

§ 17143. Money of authority.

All money of the authority shall be paid to the treasurer of the authority and invested in the same manner as provided in 64 Pa.C.S. § 6012 (relating to moneys of authority).

§ 17144. Transfer of money.

(a) General rule.--

(1) The central city, the central county or a contiguous county, regardless of if the county is a participating county, and any special-purpose areawide unit of local government located or operating, in whole or in part, in any county may 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) The city or county may issue general obligation bonds for the purpose of obtaining money for the acquisition or improvement of regional destination facilities or parts of regional destination facilities.

(b) Contributions.--The Commonwealth may contribute to the capital costs of constructing regional destination facilities by the issuance of Commonwealth bonds and notes under Article XIX-B of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. A project undertaken by the authority is deemed to be a redevelopment assistance project under which capital money of the Commonwealth may be expended under the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, and, notwithstanding the provisions of the Housing and Redevelopment Assistance Law, the Department of Community and Economic Development may make capital grants directly to the authority.

SUBCHAPTER E

ADDITIONAL SALES AND USE TAXES

Sec.

- 17151. Construction of subchapter.
- 17152. Imposition of additional sales and use taxes.
- 17153. Situs.
- 17154. Referenda levying additional taxes.
- 17155. Licenses.
- 17156. Rules and regulations.
- 17157. Collection costs.

Cross References. Subchapter E is referred to in sections 17121, 17137, 17171 of this title.

§ 17151. Construction of subchapter.

The tax imposed under this subchapter 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 17153 (relating to situs), the provisions of Article II of the Tax Reform Code of 1971 shall apply to the tax.

§ 17152. Imposition of additional sales and use taxes.

(a) Tax.--A county shall levy, assess and collect a tax on the purchase price 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 in which the electorate has approved the referendum provided under section 17154 (relating to referenda levying additional taxes). 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) Use tax.--In each participating county in which the electorate approves the referendum levying the tax authorized under subsection (a), a tax shall be levied, assessed and collected upon the use within the county of the purchase price of tangible personal property purchased at retail and on services purchased at retail as defined in Article II of the Tax Reform Code of 1971. The tax shall be paid to the Commonwealth by the individual who makes the use for deposit in the Regional Destination Facilities Fund and the Regional Growth Fund as provided in subsection (f). The use tax imposed under this subsection may not be paid to the Commonwealth by an individual who has paid the tax imposed under subsection (a) or who has paid the tax imposed by this subsection to the vendor with respect to the use.

(c) Rate of tax.--The taxes authorized under subsections (a) and (b) shall be imposed at the rate of 0.5% and shall be uniform, upon the same class of subjects and within the territorial limits of the participating counties.

(d) Seven-year period.--The taxes imposed under subsections (a) and (b) shall be collected only on sales or uses occurring during the seven-year period from July 1, 1998, through June 30, 2005.

(e) Computation.--The taxes imposed under subsections (a) and (b) shall be computed in the manner set forth in section 503(e) of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

(f) Disbursements.--The taxes imposed under subsections (a) and (b) and any interest and penalties on the taxes shall be received by the department and paid by the State Treasurer as follows:

(1) Seventy-five percent of the taxes, interest and penalties collected in the central county shall be paid to the Regional Destination Facilities Fund and 25% to the Regional Growth Fund.

(2) Twenty-five percent 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 75% to the Regional Growth Fund.

(g) Levying of the tax.--The governing body of a county in which the electorate has approved a referendum levying the taxes provided for in this subchapter may not be required to adopt an ordinance levying the tax. Upon approval of the referendum provided under section 17154, taxes approved by the referendum under this subchapter shall be deemed levied by the governing board under this subchapter.

Cross References. Section 17152 is referred to in sections 17121, 17154, 17171 of this title.

§ 17153. 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.

Cross References. Section 17153 is referred to in section 17151 of this title.

§ 17154. Referenda levying additional taxes.

(a) Ballot.--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 under this subchapter.

(b) Question in central county.--The question as printed on the official ballot and ballot labels in the central county shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center, and constructing facilities in the cultural district, a baseball park and a football stadium; and with the remaining 25% of the revenues used for other economic development projects in Allegheny County?

(c) Question in contiguous counties.--The question as printed on the official ballot and ballot labels in the contiguous counties shall be in the following form:

REGIONAL RENAISSANCE INITIATIVE

Do you favor supporting job creation projects in this county by temporarily increasing the sales tax by 0.5% for seven years, with 75% of the revenues used for economic development, transportation and tourism projects in (name) County; and with 25% of the revenues used to fund not more than 1/2 the cost of expanding the Lawrence Convention Center and constructing facilities in the cultural district, a baseball park and a football stadium in Pittsburgh?

(d) Advertisement.--The referenda required under this section shall be advertised and conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) Approval.--Except as provided in subsections (f), (g) and (h), upon certification that the referendum under subsection (a) has been approved in any county, the authority shall be established as under section 17131 (relating to authority established).

(f) Partial approval.--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 may not be established and all taxes collected by participating counties under section 17152 (relating to imposition of additional sales and use taxes) shall be deposited into the Regional Growth Fund.

(2) Members of the board may not be appointed under section 17132(b)(1) and (3) (relating to board of authority).

(g) Nonparticipation.--If the referendum under 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 may not affect the establishment of the authority or the operation of the provisions of this chapter, except that the additional taxes provided for in section 17152 may not be collected in the contiguous county and the contiguous county shall not be a participating county.

(h) Defeated referenda.--If the referenda under this section are defeated in the central county and all of the contiguous counties, this subchapter and Subchapters G (relating to Regional Destination Facilities Fund) and H (relating to conveyance of David L. Lawrence Convention Center) shall be of no further force and effect.

(i) Hotel tax.--If the referendum under this section is approved by the voters in the central county, the increase in the hotel tax in the central county provided for in section 17161 (relating to increase in rate of hotel tax in central county) shall be reduced to 1.5% during the period that the taxes imposed by section 17152 are collected in the central county.

Cross References. Section 17154 is referred to in sections 17113, 17131, 17152, 17161, 17171, 17181 of this title.

§ 17155. Licenses.

A license for the collection of the taxes imposed under this subchapter shall be issued in the same manner as is provided for in section 505 of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

§ 17156. Rules and regulations.

Rules and regulations shall be applicable to the taxes imposed under this subchapter in the same manner as is provided for in section 506(1) and (2) of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

§ 17157. Collection costs.

(a) General rule.--The department may retain a sum equal to the reasonable and necessary costs of collection and shall inform the authority in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate the costs of collection for the next succeeding fiscal year and provide the estimate, with all supporting detail, to the authority. When the annual operating budget for the department is submitted to the General Assembly, the department shall submit to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson 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) Definition.--As used in this section, the term "costs of collection" may not include any charge for overhead or capital costs.

Sec.

- 17161. Increase in rate of hotel tax in central county.
- 17162. Southwestern Pennsylvania Convention Center Design Commission.
- 17163. Restrictions of design commission members and employees.
- 17164. Design of convention center.

§ 17161. Increase in rate of hotel tax in central county.

(a) General rule.--The rate of the tax imposed under former section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, shall be increased by 2% to a rate of 7%, subject to adjustment under section 17154(i) (relating to referenda levying additional taxes), for the period provided in subsection (c). Following the end of the period provided in subsection (c), the tax shall be collected at the rate in effect immediately prior to June 18, 1997.

(b) Definitions.--Terms used in this section that are not otherwise defined in this part but are defined in former section 1970.2 of the Second Class County Code shall have the meanings ascribed to them in that section of that act.

(c) Tax rate increase.--The increased tax rate required under this section shall apply to and be collected only on rentals of a room or rooms to accommodate transients that occur during the period from September 1, 1997, through the earliest of:

(1) February 28, 1999, if the auditorium authority has not, in the period between June 18, 1997, and February 28, 1999, issued any bonds that are secured by the increased tax revenues to be collected under this subchapter and are for the purpose of financing the costs of any of the activities described in subsection (d);

(2) the date on which all bonds issued by the auditorium authority that are secured by the increased tax revenues to be collected under this subchapter and are for the purpose of financing construction of the convention center have been retired in full; or

(3) August 31, 2027.

(d) Distribution of revenues.--The incremental additional revenues received from the tax increase under this section shall be distributed as follows:

(1) One-third of the additional tax revenues collected by hotels located within a municipality other than the central city that at the time receives revenues under former section 1970.2(b.1)(2) of the Second Class County Code shall be returned to that municipality and otherwise handled in the same fashion as if the incremental additional revenues returned to the municipality under this paragraph were part of the base revenues disbursed to it under that section.

(2) All other incremental additional revenues shall be deposited by the treasurer of the central county with the treasurer of the auditorium authority who shall deposit the revenue in a special fund to be used solely for:

(i) Project design and property acquisition in connection with construction of a convention center until the cost of the project design and property acquisition have been completely paid or full funding has been committed.

(ii) Following completion of the project design and property acquisition under subparagraph (i), the costs of constructing the convention center.

(e) Approval.--Money may not be disbursed under subsection (d)(2)(i) for project design purposes without the approval of the design commission established under section 17162 (relating

to Southwestern Pennsylvania Convention Center Design Commission).

Cross References. Section 17161 is referred to in sections 17154, 17162 of this title.

§ 17162. Southwestern Pennsylvania Convention Center Design Commission.

(a) General rule.--A body corporate and politic to be known as the Southwestern Pennsylvania Convention Center Design Commission is established as a special-purpose government instrumentality exercising the powers conferred by this chapter. The exercise by the design commission of the powers conferred by this chapter is declared to be the performance of an essential public function.

(b) Establishment.--The design commission shall be established on June 18, 1997. Once established, the design commission shall continue in existence until the renovations, improvements and expansion of a convention center have been completed.

(c) Sovereign immunity.--The following apply:

(1) The members, employees and staff of the design commission shall have sovereign immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver).

(2) The members, employees and staff of the design commission 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).

(3) 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 members, officers and employees if acting within the scope of their official duties.

(d) Membership.--The design commission shall be composed of the following 15 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 53 Pa.C.S. § 2344 (relating to establishment and organization of regional planning commission) 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) Term.--The term of office of the members of the design commission shall be coincident with the term of existence of the design commission.

(f) Qualifications.--The members appointed under 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) Election of officers.--The members of the design commission shall elect from members of the commission a chair, secretary and other officers as the commission determines. Each officer shall serve for a term of two years and until a successor is elected and qualified or until 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) Meetings.--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) Powers.--The design commission is granted all powers necessary or convenient to carry out the commission's purpose under this chapter.

(j) Reimbursement of expenses.--The members of the design commission shall serve without compensation but shall be entitled to reimbursement of reasonable expenses incurred while participating in the business of the design commission. 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 17161(d) (relating to increase in rate of hotel tax in central county).

Cross References. Section 17162 is referred to in sections 17113, 17161 of this title.

§ 17163. Restrictions of design commission members and employees.

(a) General rule.--A member or employee of the design commission may not, concurrent with the service of the member or employee with the design commission, be a party officer, public officer, public official, public employee or a member of the immediate family of a party officer, public officer or public official.

(b) Application of acts.--65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, are made specifically applicable to members and employees of the design commission. For the purposes of application of the acts, employees of the design commission shall be regarded as public employees of the Commonwealth, and members of the design commission shall be regarded as public officials of the

Commonwealth, regardless of if the members or employees receive compensation. The design commission shall also be subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

§ 17164. Design of convention center.

(a) Contracts.--Contracts for the design and planning of the renovations, improvements and expansion of the convention center that are to be funded in whole or in part under this chapter may not be let without the approval of the design commission. The power of the design commission to approve contracts under this subsection shall include all aspects of the contracts, including, without limitation, the identity of the architects, engineers, surveyors and other persons who are parties to the contracts and the terms of the contracts.

(b) Approval.--Capital projects for construction of the convention center may not be undertaken unless and until the schematic design and the preliminary design development documents have been approved by the design commission. The design and construction of the convention center may be divided into stages or phases for which schematic design and preliminary design development documents may be approved separately by the design commission and may be undertaken as if each stage or phase were a separate capital project. Further design approval shall not be required if the construction documents are consistent with the design set forth in the schematic and preliminary design development documents.

SUBCHAPTER G

REGIONAL DESTINATION FACILITIES FUND

Sec.

17171. Establishment of Regional Destination Facilities Fund.
17172. Use of Regional Destination Facilities Fund.

Cross References. Subchapter G is referred to in section 17154 of this title.

§ 17171. Establishment of Regional Destination Facilities Fund.

(a) Fund established.--Subject to section 17154(f)(1) (relating to referenda levying additional taxes), the Regional Destination Facilities Fund is established. 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) Source of fund money.--Taxes imposed under Subchapter E (relating to additional sales and use taxes) 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 Subchapter E and any refunds and credits paid, shall be credited in the manner provided in section 17152(f) (relating to imposition of additional sales and use taxes) to the Regional Destination Facilities Fund not less frequently than every two weeks. Amounts appropriated to the fund by the General Assembly and any contributions received from any other source shall be credited to the Regional Destination Facilities Fund.

(c) Limitation on use of fund money.--All money in the Regional Destination Facilities Fund, including money credited under this section, prior year encumbrances and interest earned on money in the fund, shall not lapse or be transferred to any other fund, except as provided in section 17172(c) (relating

to use of Regional Destination Facilities Fund), but shall remain in the Regional Destination Facilities Fund and must be used exclusively as provided in this chapter.

(d) Interest earnings.--Pending disbursement, money received on behalf of or deposited into the Regional Destination Facilities Fund shall be invested or reinvested in the same manner as is money in the custody of the State Treasurer. All earnings received from the investment or reinvestment of the money shall be credited to the Regional Destination Facilities Fund.

Cross References. Section 17171 is referred to in section 17113 of this title.

§ 17172. Use of Regional Destination Facilities Fund.

(a) Allocations.--Each long-term budget required by section 17135(b) (relating to initial financial plan) shall provide that the total expenditure of money in the Regional Destination Facilities Fund which has already been made plus the expenditures provided for in the long-term budget are allocated to ensure that the total amount ultimately expected to be deposited in the fund is allocated as follows:

(1) Except for the portion of the Regional Destination Facilities Fund used to defray the operating expenses of the authority as provided in section 17137(b) (relating to operating budget), all of the money in the fund shall be used to fund the construction of regional destination facilities and related developments. Not less than 85% shall be used for the construction of the regional destination facilities, with the remaining 15% available for the construction of related developments, such as parking facilities for a baseball park and football stadium.

(2) Subject to paragraphs (3), (4), (5) and (6), 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 30% nor more than 40% shall be spent on construction of the convention center, but in no event shall the money provided from the fund represent more than 50% of the cost of that project.

(4) Not less than 28% nor more than 32% shall be spent on construction of the baseball park, but in no event shall the money provided from the fund represent more than 50% of the cost of that project.

(5) Not less than 28% nor more than 32% shall be spent on construction of the football stadium, but in no event shall the money provided from the fund represent more than 50% of the cost of that project.

(6) Not less than 5% nor more than 10% shall be spent on construction of the projects described in paragraph (4) of the definition of "regional destination facility," but in no event shall the money provided from the fund represent more than 50% of the individual cost of any of those projects.

(b) Baseball park and football stadium costs.--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

owned by the Stadium Authority of The City of Pittsburgh is used neither for professional baseball games nor for professional football games and the cost of demolishing the stadium may be treated as eligible for funding from the Regional Destination Facilities Fund, but none of those costs may be funded under subsection (a)(3) or (6).

(c) Transfer to Regional Growth Fund.--Any money in the Regional Destination Facilities Fund that cannot be disbursed as a result of limitations under subsection (a) shall be transferred on July 1, 2005, to the Regional Growth Fund.

Cross References. Section 17172 is referred to in section 17171 of this title.

SUBCHAPTER H

CONVEYANCE OF DAVID L. LAWRENCE CONVENTION CENTER

Sec.

17181. Conveyance of convention center.

Cross References. Subchapter H is referred to in section 17154 of this title.

§ 17181. Conveyance of convention center.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth to grant and convey to the authority, for a consideration of \$1, as soon as practicable after the approval in the central county of the referendum required by section 17154 (relating to referenda levying additional taxes), the tract of land, with the structures, facilities, buildings, fixtures and improvements erected on the tract, situate in the City of Pittsburgh, Allegheny County, Pennsylvania, and known as the David L. Lawrence Convention Center. The conveyance shall include any property adjacent to the convention center that is acquired by the Commonwealth prior to the date of the conveyance and any options to acquire the adjacent property held by the Commonwealth on the date of the conveyance.

(b) Easements.--The following apply:

(1) The conveyance of the convention center shall be made under and subject to:

(i) all easements, servitudes and rights of others, including streets, roadways and rights of a telephone, telegraph, water, electric, sewer, gas or pipeline company; and

(ii) 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.

(2) 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) Deed of conveyance.--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.--Costs and fees incidental to the conveyance of the convention center shall be borne by the grantee.

(e) Construction.--The conveyance of the convention center under this section shall not affect the availability of the revenues from the hotel tax authorized in former 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.

Cross References. Section 17181 is referred to in section 17113 of this title.

CHAPTER 173

THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

Subchapter

- A. Third Class County Convention Center Authorities
- B. Third Class County Convention Center Authorities, Alternative Provisions

Enactment. Chapter 173 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

Cross References. Chapter 173 is referred to in section 102 of this title.

SUBCHAPTER A

THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES

Sec.

- 17301. Scope of subchapter.
- 17302. Findings, declaration of policy and scope.
- 17303. Definitions.
- 17304. Authority creation.
- 17305. Purposes and powers in general.
- 17306. Capital and operating budgets.
- 17307. Authorization to issue bonds.
- 17308. Provisions of bonds, trusts, indentures and mortgages.
- 17309. Remedies of obligee of authority.
- 17310. Additional remedies conferrable by authority.
- 17311. Governing board.
- 17312. Sovereign immunity.
- 17313. Money of authority.
- 17314. Transfer of existing facilities or money, making of annual grants and lease payments to authority.
- 17315. Award of contracts.
- 17316. Interests of public officers, public employees and party officers.
- 17317. Acquisition of lands.
- 17318. Use and operation of convention center.
- 17319. Limitation of powers.
- 17320. Exemption from taxation.
- 17321. Lease by authorities.
- 17322. Cooperation.
- 17323. Hotel room rental tax.

Cross References. Subchapter A is referred to in sections 17332, 17353 of this title.

§ 17301. Scope of subchapter.

This subchapter relates to third class county convention center authorities.

§ 17302. Findings, declaration of policy and scope.

(a) **Findings.**--The General Assembly finds as follows:

(1) 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) 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) 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 the 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) 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) The development of a convention center will provide benefits to the hotel industry throughout the entire area of the county in which the convention center is developed.

(6) The development of a convention center will also provide benefits to the restaurant and entertainment industries throughout the entire county in which the convention 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) 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 it is 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) 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) An important aspect of the development of convention centers should be the removal and redevelopment of blighted areas.

(b) Declaration.--It is 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 declared to be a public purpose supporting the enactment of all provisions of this subchapter for which public money may be spent and taxes may be imposed.

(c) Scope of subchapter.--

(1) This subchapter shall not apply to a county which has an existing convention center owned, leased or operated by an existing authority or the Commonwealth, which covers an area of more than 40,000 square feet.

(2) This subchapter 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 subchapter other than section 17323 (relating to hotel room rental tax) shall apply to an existing authority.

§ 17303. Definitions.

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

"Authority." An agency and public instrumentality of the Commonwealth and a body politic and corporate created under this subchapter.

"Board." The governing body of an authority.

"Bonds." Notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which an authority may issue under this subchapter.

"Construction." The acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part of a convention center, 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 of a convention center.

"Convention center." Includes:

(1) Any land, improvement, structure, building or part of a land, improvement, structure or building, or property interest in any land, improvement, structure, building or part of a land, improvement, structure or building, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following:

(i) Large public assemblies.

(ii) The holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific and public interest events.

(2) All facilities, furniture, fixtures and equipment necessary or incident to any property or property interest under paragraph (1), 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.

(3) Other buildings, structures or facilities for use in conjunction with the main convention area, including provision for off-street parking, retail areas and other improvements related to the convention 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." All or any part of the cost of construction, acquisition, alteration, enlargement, furnishing, fixturing and equipping, reconstruction and rehabilitation of a convention center project. The term includes:

(1) 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.

(2) The cost of demolishing or removing buildings or structures on land acquired, including the cost of acquiring

lands to which the buildings or structures may be moved or located.

(3) The cost of all utility lines, structures or equipment.

(4) The charges, interest prior to, during and for a period of six months after completion of construction and acquisition.

(5) Provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements.

(6) The cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues.

(7) Expenses necessary or incident to determining the feasibility or practicability of constructing the project.

(8) 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." A county of the third class or a county which was a county of the third class at the time the county took action to create an authority under this subchapter.

"Existing authority." An authority incorporated by a county of the third class prior to November 1, 1994, under the former 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 Government." The United States, the President of the United States and any department or corporation, agency or instrumentality created, designated or established by the United States.

"Obligee." A bondholder or a trustee for a bondholder party to a contract with an authority.

"Project." A site, building, structure, equipment, furnishing and other facilities or undertaking in respect to a convention center which an authority may acquire, construct, improve, install, maintain or operate under the provisions of this subchapter.

"Redevelopment assistance eligible area." 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.

"State public body." The Commonwealth and its executive, administrative and independent agencies, departments, officers, boards, authorities, commissions and instrumentalities.

"Substantial completion." 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 90% of the work on the main convention area is completed.

§ 17304. 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 subchapter 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 subchapter is an essential public function.

§ 17305. Purposes and powers in general.

(a) Purposes.--An authority created under this subchapter 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 of a convention center.

(b) Powers.--The authority is granted all powers necessary or convenient for the carrying out of the purposes in subsection (a), including the right and power to:

- (1) Have continuing succession.
- (2) Sue and be sued, implead and be impleaded, complain and defend in all courts.
- (3) Adopt, use and alter at will a corporate seal.
- (4) 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 in a license, franchise or property, including a convention center or part of a convention center.
- (5) Sell, transfer or dispose of property or an interest in property with adequate and fair consideration.
- (6) Acquire, hold, develop, design, construct, improve, maintain, manage, operate, furnish, fix, equip, repair, own, lease or sublease a convention center or part of a convention center.
 - (6.1) 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 part of a convention center.
- (7) Make bylaws for the management and regulation of its affairs and issue rules, regulations and policies in connection with the performance of the authority's functions and duties.
- (8) Appoint officers, agents, employees and servants to prescribe duties and to fix compensation.
- (9) Fix, alter, charge and collect rentals, admissions, license fees and other charges.
- (10) Do the following:
 - (i) Borrow money for the purpose of paying the costs of a project and to evidence the same.
 - (ii) Make and issue negotiable bonds of the authority.
 - (iii) Secure payment of the bonds, or any part of the payment, by pledge or deed of trust of all or any of its revenues, including any hotel room rental tax, rentals, receipts and contract rights.

(iv) Make 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.

(v) Obtain credit enhancement or liquidity facilities in connection with the bonds as the authority shall determine to be advantageous.

(vi) Provide for the security of the bonds and the rights of the bondholders.

(11) Make, enter into and award contracts and to execute all instruments necessary or convenient for the carrying out of its business.

(12) 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) 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 part of a convention center.

(14) Procure insurance containing coverages, including insurance covering the timely payment in full of principal of and interest on bonds of the authority, in amounts and from insurers, as the authority may determine to be necessary or desirable for its purposes.

(15) Invest money of the authority.

(16) Cooperate with any Federal agency, State public body or political subdivision.

(17) Invest money held in reserve or sinking funds or money not required for immediate disbursements as authorized by section 17313(d) (relating to money of authority).

(18) Appoint all officers, agents and employees 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 architects, auditors, engineers, private legal counsel and private consultants on a contract basis or otherwise for rendering professional or technical services and advice.

(19) Enroll authority employees in an existing retirement system of the State, county, city or other governmental entity.

(20) Appoint and fix the compensation of chief counsel and assistant counsel to provide the authority with legal assistance, and the authority through counsel shall defend actions brought against the authority and officers and employees of the authority when acting within the scope of their official duties.

(21) Maintain an office in the county seat.

(22) Appoint an executive director who shall:

(i) be the chief executive officer of the authority;

(ii) devote full time during business hours to the duties of the office; and

(iii) receive compensation as the board shall determine.

(23) Do all acts and things necessary or convenient for the promotion of authority purposes and the general welfare of the authority and to carry out the powers granted to the authority by this subchapter or by any other act.

(c) Limitations.--

(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.

(2) Authority obligations may not be deemed obligations of any State public body, a political subdivision or the county.

(3) A State public body, a political subdivision or the county shall not be liable for the payment of principal or interest on obligations of the authority.

(4) The authority shall have no power of eminent domain.

(d) Affirmative action.--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 and authority contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

§ 17306. Capital and operating budgets.

(a) Capital budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended capital budget shall be prepared and submitted to the board. The capital budget shall show in detail the capital expenditures to be made or incurred in the next fiscal year and financed from money subject to control or appropriation by the board. For each separate purpose, project, facility or other property, 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 shall be shown. 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) Operating budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended operating budget shall be prepared and submitted to the board. 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 a form and detail satisfactory to a governing body, the governing body 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 shall set forth the estimated receipts and revenues of the authority during the next fiscal year. The board shall, at least 30 days before the end of the fiscal year, adopt by a majority vote of its members an operating budget for the next fiscal year.

§ 17307. Authorization to issue bonds.

(a) Authorization.--

(1) The authority may authorize the issuance of bonds by resolution of the board. A resolution authorizing the issuance of bonds must specify all of the following:

(i) Series.

(ii) Date of maturity not exceeding 40 years from the date of issue.

(iii) Interest rate, as determined by the board as necessary to issue and sell the authorized bonds.

(iv) Denomination.

(v) Form, either coupon or fully registered without coupons.

(vi) Registration, exchangeability and interchangeability privileges.

(vii) Medium of payment and place of payment.

(viii) Terms of redemption.

(ix) Priorities in the revenue or receipts of the authority.

(2) The bonds shall be signed by or shall bear the facsimile signatures of officers the authority determines, and coupon bonds shall have attached to them 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, as may be prescribed in a resolution of the board. The bonds may be issued and delivered regardless of whether one or more of the officers who signed the bonds or the treasurer who, by facsimile, signed the coupon are not officers at the time the bonds are delivered.

(b) Sale of bonds.--The bonds may be sold at public sale or private negotiated sale for the price or prices and at the rate of interest as the authority determines. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of the bonds and may contain terms and conditions as the authority determines.

(c) Negotiability.--The bonds shall have the qualities of negotiable instruments under 13 Pa.C.S. (relating to commercial code).

(d) Use of net proceeds.--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 an individual.

(e) Refunding authorized.--

(1) Subject to the provisions of the outstanding bonds, notes or other obligations and subject to the provisions of this subchapter, 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.

§ 17308. 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 the bonds and obligations, the authority, in addition to its other powers, shall have the power to:

(1) Pledge all or part of the gross or net revenues to which the authority's right then exists or may come into existence.

(2) Mortgage all or part of the authority's real or personal property.

(3) Covenant the following:

(i) Against pledging all or part of the authority's revenues or against mortgaging all or part of the authority's real or personal property or permitting or suffering a lien on the revenues or property.

(ii) With respect to limitations on the authority's right to sell, lease or otherwise dispose of real property.

(iii) Other or additional debts or obligations incurred by the authority.

(4) Do the following:

(i) 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.

(ii) Provide for the replacement of lost, destroyed or mutilated bonds.

(iii) Covenant against extending the time for the payment of its bonds or interest.

(iv) Redeem the bonds and to covenant for and provide the terms and conditions for redemption.

(5) Do the following:

(i) 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.

(ii) Create or authorize the creation of special funds for debt service or other purposes.

(iii) Covenant as to the use and disposition of the money held in the funds for debt service or other purposes.

(6) Prescribe the procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated, the amount of bonds, to which bondholders must consent, and the manner in which consent may be given.

(7) Do the following:

(i) Covenant as to the use of its real or personal property.

(ii) Warrant its title.

(iii) 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 money.

(8) Do the following:

(i) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(ii) Covenant and prescribe in the event of default as to terms and conditions upon which authority bonds or obligations are due before maturity and as to the terms and conditions upon which a declaration and its consequences may be waived.

(9) Do the following:

(i) Vest in a trustee or bondholders or any proportion of the bondholders the right to enforce the payment of the bonds or any covenants securing or relating to the bonds and 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 collect the rents and revenues that arise from the real property and to dispose of the money collected in accordance with the agreement of the authority with the trustee.

(ii) Provide for the powers and duties of a trustee and limit the trustee's liabilities.

(iii) Provide the terms and conditions upon which the trustee or bondholders or any proportion of bondholders may enforce covenants or rights securing or relating to the bonds.

(10) Obtain letters of credit and bond insurance.

(11) Exercise all, any part or combination of the powers granted in this section.

(12) Make covenants other than and in addition to the covenants expressly authorized in this section.

(13) Make covenants and perform acts necessary, convenient or desirable in order to secure the authority's bonds or, in the absolute discretion of the authority, that will accomplish the purpose of this subchapter by making the bonds more marketable even if the covenants or acts may not be specifically enumerated in this section.

§ 17309. 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 contractual restrictions binding upon the obligee:

(1) By mandamus, suit, action or proceeding at law or in equity, to compel the authority and authority members, officers, agents or employees to perform each term, provision and covenant contained in any bond or contract of the authority with or for the benefit of the obligee and require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this subchapter.

(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.

§ 17310. Additional remedies conferrable by authority.

(a) **Default.**--The authority shall have power by resolution, trust, indenture or mortgage to confer upon an obligee 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 from the real property or leasehold interest. If a receiver is appointed, the receiver may enter and take possession of the real property or any leasehold interest, operate the property of leasehold interest and collect and receive all revenues or other income arising from the operation and shall keep the money in a separate account and apply the money in accordance with the obligations of the authority as the court shall direct; or

(2) to require the authority and authority members to account as if it and they were the trustees of an express trust.

(b) **Authority of receiver.**--Nothing in this subchapter shall authorize a receiver appointed under this subchapter for the purpose of operating and maintaining facilities of the authority to sell, assign, mortgage or otherwise dispose of the assets of the authority. It is the intention of this subchapter to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court directs, and the following apply:

(1) Receivers may not sell, assign, mortgage or otherwise dispose of any assets of the authority.

(2) Bondholders, trustees and other obligees do not have the right in any suit, action or proceeding, at law or in equity, to compel a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

(3) A court may not direct a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

§ 17311. Governing board.

(a) **Appointment.**--The power of the authority shall be exercised by a governing board. The following apply:

(1) The governing body of the county seat of the county in which the convention center is located shall appoint three members. 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 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 four years.

(b) Terms.--Except as otherwise provided, members shall serve a four-year term from the date of appointment and until successors have been appointed and qualified. Subject to subsection (a), if a vacancy occurs by means of the death, disqualification, resignation or removal of a member, the appointing authority shall appoint a successor to fill the unexpired term.

(c) Compensation.--Subject to an aggregate per annum limitation and other rules and regulations as the board determines, a member shall receive \$100 per board meeting.

(d) Organization.--

(1) The members of the board shall select from the members a chairperson and other officers as the board may determine.

(2) 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, unless the bylaws of the authority provide for a majority vote by a present quorum in the absence of a full board.

(3) 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.

(4) Notwithstanding any other law, court decision, precedent or practice to the contrary, actions by or on behalf of the board shall not be taken by an officer of the board except upon the approval of the board.

(5) As used in this subsection, the term "actions by or on behalf of the board" means any action of the board, including:

(i) the hiring, appointment, removal, transfer, promotion or demotion of officers and employees;

(ii) the retention, use or remuneration of advisors, counsel, auditors, architects, engineers or consultants;

(iii) the initiation of legal action;

(iv) the making of contracts, leases, agreements, bonds, notes or covenants;

(v) the approval of requisitions, purchase orders, investments and reinvestments; and

(vi) the adoption, amendment, revision or rescission of rules and regulations, orders or other directives.

(e) Nonliability of members.--Members of the board may not be held personally liable for the bonds or other obligations of the authority and the rights of creditors shall be solely against the authority. The authority, itself or by contract, shall defend board members, and the authority shall indemnify

and hold harmless board members, regardless of whether currently serving as an authority member, against and from personal liabilities, actions, causes of action and claims made against the authority for actions performed within the scope of duties as board members.

§ 17312. Sovereign immunity.

The following apply:

(1) The authority created under this subchapter and its officers, officials and employees shall have sovereign and official immunity, as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver).

(2) The authority shall remain immune from suit except as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to enforcement proceedings), 8521 (relating to sovereign immunity generally), 8522 (relating to exceptions to sovereign immunity), 8523 (relating to venue and process), 8524 (relating to defenses), 8525 (relating to legal assistance), 8526 (relating to counterclaim by the Commonwealth), 8527 (relating to indemnity relating to inmate health care) and 8528 (relating to limitations on damages).

(3) Notwithstanding 42 Pa.C.S. § 8525, the authority shall defend actions brought against the authority and the authority's officers and employees if acting within the scope of their official duties.

§ 17313. Money of authority.

(a) Payment to treasurer.--All money of the authority shall be paid to the treasurer of the authority.

(b) Investment of money.--The board shall invest authority money consistent with sound business practice.

(c) Investment program.--The board shall provide for an investment program subject to restrictions contained in this subchapter, any other applicable statute and rules or regulations adopted by the board.

(d) Authorized types of investments.--Authorized types of investments for authority money 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 a combination of the following agencies:

(i) Government National Mortgage Corporation.

(ii) Federal Land Banks.

(iii) Federal Home Loan Banks.

(iv) Federal Intermediate Credit Banks.

(v) Banks for Cooperatives.

(vi) Tennessee Valley Authority.

(vii) United States Postal Service.

(viii) Farmers Home Administration.

(ix) Student Loan Marketing Association.

(x) 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 the 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 in paragraphs (1), (2) and (3) 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, the resale of, obligations described in paragraphs (1), (2), (3) and (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 \$25,000,000 or certificates of deposit with banks or trust companies fully secured as to principal and accrued interest by obligations described in paragraphs (1), (2), (3) and (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 \$25,000,000, which may include a banking entity or depository.

(7) The description of authorized investments under paragraphs (5) and (6) shall be met only if the agreements referenced in paragraph (5) or (6) provide for the repayment of the principal amount invested at an amount not less than that invested. If security is required under paragraph (4), (5) or (6), the security shall be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. Money of the authority shall be paid out on the warrant or other order of the chairperson of the authority or other person as the authority may authorize to execute warrants or orders.

(e) Annual report and audit.--An authority created under this subchapter shall file an annual report with the Department of Community and Economic Development, with the county and with the political subdivision constituting the county seat, which shall make provisions for the accounting of revenues and expenses. Authority books, accounts and records shall be audited annually in accordance with generally accepted auditing standards by an independent auditor who shall be a certified public accountant and a copy of the 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 in which the authority is located.

(f) Power of inspection.--The Attorney General, the Auditor General, the Secretary of the Budget, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives shall have the right to examine the books, accounts and records of the authority.

Cross References. Section 17313 is referred to in section 17305 of this title.

§ 17314. Transfer of existing facilities or money, making of annual grants and lease payments to authority.

(a) Authority to transfer.--

(1) A State public body or political subdivision may sell, lease or sublease from or to, lend, grant, convey or otherwise transfer or pay over to the authority, with or without consideration, any of the following:

(i) A convention center or part of a convention center.

(ii) An interest in property, real, personal or mixed, tangible or intangible.

(iii) Any money available, needed or obligated for development, acquisition, design, maintenance, management, operation, financing, leasing or subleasing, construction or improvement purposes, including the proceeds of bonds issued before or after November 3, 1999, for construction or improvement of a convention center or part of a convention center.

(2) Property, money, a convention center or part of a convention center received by the authority may be used for any lawful purpose of the authority.

(3) Nothing in this subchapter or 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) Grants authorized.--

(1) Subject to paragraph (2), the governing bodies of the county and county seat are authorized to:

(i) Make grants from current revenues to the authority.

(ii) Assist in defraying the costs of management, operation, maintenance, financing and debt service of a convention center or part of a convention center.

(iii) Enter into long-term agreements providing for payments under subparagraph (i) or (ii).

(iv) Enter into long-term leases or subleases as lessee or sublessee of all or part of a convention center.

(2) 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.

(3) The county and county seat may issue general obligation bonds for the purpose of obtaining money for local contributions pertaining to a convention center or part of a convention center.

(c) Capital costs.--The Commonwealth may contribute to the capital costs of constructing a convention center by the issuance of Commonwealth bonds and notes under Article XIX-B of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or under 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 deemed to be a redevelopment assistance project for 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 may make capital grants directly to the authority in furtherance of this subchapter.

§ 17315. Award of contracts.

(a) General rule.--All construction, reconstruction, repairs or work of any nature made by an authority in which the entire cost, value or amount of the construction, reconstruction, repairs or work, including labor and materials, shall exceed the adjusted base amount under section 15101(a) (relating to commissioners sole contractors for county generally) for which bids are required for counties, except construction, reconstruction, repairs or work done by employees of the authority or by labor supplied under agreement with a Federal agency, State public body or political subdivision, with supplies and materials purchased as provided under this section, 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 provided under this section and in accordance with the following:

(1) The authority shall have the right to reject any or all bids or select a single item from any bid.

(2) Contracts may not be entered into for construction or improvement or repair of a project or portion of a project unless the contractor provides sufficient surety or sureties approved by the authority in an amount fixed by the authority for the performance of the contract.

(3) All contracts shall provide that the person or corporation entering into the contract with the authority 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 in the contract if the action is brought within one year after the time the cause of action accrued.

(4) Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve a project or portion of a project or an addition, betterment or extension to a project directly by the officers and employees of the authority.

(5) 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), referred to as the Separations Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth procurement code).

(6) Nothing in this section or any other law shall require the authority to competitively bid architectural design, engineering or other professional services required by the authority.

(b) Purchasing of supplies and materials.--All supplies and materials the cost of which exceed the adjusted base amount under section 15101(a) for which bids are required for counties to be acquired directly by the authority shall be purchased only after due advertisement. 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 bid 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) Construction.--Nothing in this section or in any other law 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 of a convention center. The authority may not award a contract to a manager, operator, concessionaire, licensee, lessee or lessor which exceeds three years in duration unless five members of the board approve the awarding of a contract for a greater period of time.

(d) Local regulation.--The authority and authority contractors, subcontractors, assignees, lessees, agents, vendors and suppliers are not 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) Applicability of other acts.--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) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Advertisement." A public notice.

"Public notice." A notice published at least 10 days before the award of a contract in a newspaper of general circulation published in the county, which may be waived if the authority determines an emergency exists and supplies and materials must be immediately purchased by the authority.

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

§ 17316. Interests of public officers, public employees and party officers.

(a) Management level employees.--

(1) A party officer, public officer, public official or public employee may not be employed as a management-level authority employee.

(2) A person convicted of an infamous crime may not be employed as a management-level employee by the authority.

(b) Other laws applicable.--

(1) 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 made specifically applicable to board members, officers and employees of the authority. For the purposes of application of these acts, employees of the authority shall be regarded as public employees of the Commonwealth, and officers and board members of the authority shall be regarded as public officials of the Commonwealth, regardless of whether the employee, officer or board member receive compensation.

(2) The authority is subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and 65 Pa.C.S. Ch. 7 (relating to open meetings).

(c) Conflicts of interest.--Notwithstanding the provisions of subsection (b), the following prohibitions shall apply:

(1) A management-level employee or other employee of the authority may not use the employee's position with the authority or confidential information received through the employee's position with the authority to obtain financial gain other than compensation provided by law for the employee, a member of the employee's immediate family or a

business with which the employee is associated. For purposes of this paragraph, the term "business with which the employee is associated" shall mean a business in which the employee or a member of the employee's immediate family is a director, officer, owner, employee or stockholder.

(2) A person may not offer or give to a management-level employee or other employee of the authority or a member of the employee's immediate family or a business with which the employee is associated, and management-level employees or other employees of the board may not solicit or accept, anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on an understanding that the vote, official action or judgment of the employee would be influenced thereby. For purposes of this paragraph, the term "business with which the employee is associated" shall mean a business in which the person or a member of the person's immediate family is a director, officer, owner, employee or stockholder.

(3) A management-level employee or other employee of the authority or a member of the employee's immediate family or a business in which the employee or a member of the employee's immediate family is a director, officer, owner or stockholder exceeding 5% of the equity at fair market value of the business may not enter into a contract valued at \$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) A former management-level employee or other former employee of the authority may not represent a person, with or without compensation, on any matter before the authority with which the employee has been associated for one year after the employee leaves employment with 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 the individual or a business with which the individual or immediate family member is associated shall not have a financial interest in a contract valued at \$500 or more to provide goods or services to the authority either during the time the individual holds the office or for two years after the individual terminates the office unless the contract is executed under paragraph (3). For purposes of this paragraph:

(i) The term "financial interest" does 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 5% 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 5% of the total ownership of the noncorporate business association.

(ii) The term "business with which the individual or immediate family member is associated" shall mean a business in which the person or a member of the person's immediate family is a director, officer, owner, employee or holder of stock.

(6) An employee of the authority or an advisor or consultant to the county seat, the county or the State who has recommended to the authority which the employee serves either entering into a contract relating to a convention

center authority or a course of action of which entering into the contract is an express or implied part may not have an adverse interest in the contract.

(7) A management-level employee or other employee of the authority, the county seat, the county or the State may not influence or attempt to influence the making of or supervise or in any manner deal with a contract with the authority in which the employee has an adverse interest.

(8) A management-level employee or other employee of the authority may not have an adverse interest in a contract with the authority.

(9) An individual having an adverse interest in a contract with the authority may not become a management-level employee or other employee of the authority until the adverse interest is wholly divested.

(10) A management-level employee or other employee of the Commonwealth, authority, county seat or county, except in the performance of the employee's duties for the authority, may not, directly or indirectly, represent a person upon a matter pending before the authority for remuneration.

(d) Penalties.--

(1) An individual who violates this section shall be immediately terminated from employment with the authority by the appropriate individual having the power to terminate and shall be liable to the authority to reimburse the authority for all compensation received by the employee from the authority while employed in violation of subsection (a).

(2) An individual who violates subsection (c) (1) or (2) commits a felony and, upon conviction, shall be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(3) An individual who violates subsection (c) (3), (4), (5), (6), (7), (8), (9) or (10) commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(4) An individual 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) An individual 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 Commonwealth and all political subdivisions of the Commonwealth.

(6) An employee of the county seat, the county or the Commonwealth or any political subdivision of the Commonwealth or a public officer or public official who violates subsection (c) must automatically forfeit the office or employment the employee, officer or official holds.

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

"Business." 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.

"Immediate family." A parent, spouse, child, brother, sister or like relative-in-law.

"Infamous crime." 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 18 Pa.C.S. 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 10 years and which is classified as a felony, and similar violations of the laws of another state or the Federal Government.

"Management-level authority employee." The chairperson and members of the board, counsel employed by the authority, the executive director of the authority and authority employees with discretionary powers which may affect the outcome of the authority's decision in relation to a private corporation or business or employees who, by virtue of the employee's job function, have the ability to influence the outcome of the decision.

"Party officer." Any of following members or officers of a political party:

(1) A member of a national committee.

(2) A chairperson, vice chairperson, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee.

(3) A city chairperson or vice chairperson or counsel, secretary or treasurer of a city committee.

(4) A county chairperson or vice chairperson or counsel, secretary or treasurer of a county committee.

"Person." A business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Public employee." As follows:

(1) The term includes an individual employed by the Commonwealth or a political subdivision of the Commonwealth who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(i) contracting or procurement;

(ii) administering or monitoring grants or subsidies;

(iii) planning or zoning;

(iv) inspecting, licensing, regulating or auditing any person; or

(v) any other official action which has an economic impact of greater than a de minimis nature on the interest of any person.

(2) The term does not include individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth in teaching, as distinguished from administrative duties.

"Public officer." An individual elected to any public office of the Commonwealth or a political subdivision of the Commonwealth.

"Public official." An elected or appointed official in the executive, legislative or judicial branch of the Commonwealth

or a political subdivision of the Commonwealth. The term does not include any of the following:

(1) Members of advisory boards who have no authority to expend public money other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or a political subdivision of the Commonwealth.

(2) An appointed official who receives no compensation other than reimbursement for actual expenses.

§ 17317. Acquisition of lands.

The authority shall have the power to acquire by purchase either the fee or a right, title, interest or easement, or any combination, in land within the county or county seat as the authority may deem necessary for the purpose mentioned in this subchapter, except that a convention center constructed pursuant to the terms of this subchapter must be located in a redevelopment assistance eligible area.

§ 17318. Use and operation of convention center.

The use and operation of the convention center, including all parts of a convention center, and the operation of the business of the authority shall be subject to the rules and regulations adopted by the authority. The authority is not authorized to take any action which may impair the security of the obligees of the authority or violate any agreements with the obligees or for the benefit of the obligees or violate any contracts, leases or other agreements awarded, made or entered into by the authority.

§ 17319. Limitation of powers.

(a) Commonwealth pledge.--

(1) The Commonwealth pledges to and agrees with any person, the county, county seat, political subdivision or Federal agency subscribing to or acquiring the bonds issued by the authority for the construction or improvement of a convention center or part of a convention center that the Commonwealth will not limit or alter the rights vested in the authority in any manner inconsistent with the obligations to the bondholders until all bonds issued, together with the interest, are fully paid and discharged.

(2) The Commonwealth further pledges to and agrees with any Federal agency that in the event that the Federal agency constructs or contributes money to construct or improve a convention center or part of a convention center that the 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) Additional Commonwealth pledge.--The Commonwealth pledges to and agrees with any person that as owner leases or subleases a convention center or part of a convention center to or from an authority created under this subchapter that the Commonwealth will not limit or alter the rights and powers vested in the authority or otherwise created under this subchapter 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.

§ 17320. Exemption from taxation.

The effectuation of the authorized purposes of an authority shall be in all respects for the benefit of the residents of this Commonwealth, for the increase of commerce and prosperity and for the improvement of health and living conditions. Since an authority, as a public instrumentality of the Commonwealth, performs essential governmental functions in effectuating these purposes, the authority shall not be required to pay any taxes

or assessments upon a convention center, or part of a convention center, or property acquired or used or permitted to be used by them for these purposes. The bonds issued by an authority, their transfer and the income from the bonds, including any profits made on the sale of the bonds, shall be free from State and local taxation within this Commonwealth. This exemption may not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, the transfer or the income from the bond, or the realization of profits on the sale of the bonds.

§ 17321. Lease by authorities.

A convention center or part of a convention center may be leased or subleased by the authority to and from the county or county seat, and the county or county seat may enter into leases or subleases, or both, for this purpose. A lease or sublease may be made for a specified or unlimited time and on terms and conditions as may be approved by the county or county seat and agreed to by the authority in conformity with the authority's contracts with the holders of any bonds.

§ 17322. Cooperation.

(a) General rule.--The following shall apply:

(1) 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 part of a convention center, any State public body or political subdivision or the county or county seat may, upon terms, with or without consideration:

(i) Dedicate, sell, convey, lease or otherwise transfer property or any interest therein, real, personal or mixed, tangible or intangible, to the authority.

(ii) 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 part of a convention center.

(iii) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to do.

(iv) Enter into agreements, extending over any period, with the authority or with the Federal Government pertaining to an action to be taken by a State public body under this section.

(v) 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 part of a convention center.

(vi) In connection with public improvements made by a State public body, political subdivision, county or the county seat, in exercising the powers granted, incur the entire expense.

(2) 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 subchapter.

(b) Contract.--In connection with a convention center or part of a convention center, 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 part of a convention center, or the persons occupying the area. The absence of a contract for these payments shall not relieve the county or county seat from the duty to furnish for the benefit of the authority, convention center or part of a convention center or the persons occupying the area, customary improvements and services and facilities as the county or county seat usually furnishes without a service fee.

(c) Agent.--The Commonwealth, county or county seat 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 Commonwealth, county or county seat is authorized by law to do, except that any activity or program shall be in furtherance of the public purposes specified in this chapter. The activities may include development, acquisition, design, construction, improvement, maintenance, leasing, management or operation of a convention center.

(d) Powers.--The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

§ 17323. Hotel room rental tax.

(a) Imposition.--The county in which a convention center is located may 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 under subsection (e) and shall be known as the Hotel Room Rental Tax.

(b) Rate.--The rate of tax imposed under this section by the county in which the convention center is located may not exceed 5%.

(c) Deposit.--Eighty percent of revenues received from taxes imposed under 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 percent of the revenues received from taxes imposed under this section shall be deposited within 30 days of collection into the tourist promotion agency fund required under subsection (d) until disbursed as provided below.

(d) Collection.--The following shall apply:

(1) The treasurer of each county electing to impose the tax authorized under this section is directed to collect the tax and:

(i) to deposit 80% of the revenues received from the tax in special funds established for purposes in this section; and

(ii) to deposit 20% of the revenues received by the tax in the tourist promotion agency fund until disbursed under subsection (g).

(2) Interest on money deposited in the funds shall accrue proportionately to the respective funds as provided in this section. The treasurer may establish rules and regulations concerning the collection of the tax, which collection shall occur not more than monthly nor less than quarterly.

(e) Expenditures.--Expenditures from the fund established under 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 design, engineering and feasibility costs.

(4) Costs associated with the operation and management of the convention center.

(5) Costs associated with promoting, marketing and encouraging the use of the convention center.

(6) General purposes of the convention center.

(f) Security.--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 pledges to and agrees with any person, firm or corporation subscribing to or acquiring bonds to be issued by the authority for convention center purposes that the Commonwealth will not, nor will it authorize a county to, reduce the rate of tax imposed for convention center purposes until all bonds secured by the pledge of the authority, together with interest, are fully met and discharged.

(g) Tourist promotion agency.--

(1) If default has not occurred or 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 into the tourist promotion agency fund required under subsection (d) shall be disbursed by each county to the tourist promotion agency within 10 days of receipt.

(2) The county shall have no obligation to invest any money deposited into the tourist promotion agency fund.

(h) Tax year.--Each tax year for any tax imposed under this section shall run concurrently with the county's fiscal year.

(i) Report.--An audited report on the income and expenditures incurred by a tourist promotion agency receiving revenue from the tax authorized under this section shall be submitted annually by the tourist promotion agency to the county commissioners.

(j) Expiration.--The tax levied under this section shall expire when all bonds issued by a county under this subchapter have been fully met and discharged.

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

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

"Convention center."

(1) Any land, improvement, structure, building or property interest, whether owned by or leased by or to or otherwise acquired by an existing authority, appropriate for any of the following:

(i) Large public assemblies.

(ii) Holding of conventions, conferences, trade exhibitions and other business.

(iii) Social, cultural, scientific and public interest events.

(2) All facilities, furniture, fixtures and equipment necessary or incident to any item listed in paragraph (1), including meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, truck loading areas, including access, 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, provisions 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." As follows:

(1) A hotel, motel, inn, guest house 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:

(i) A place which advertises to the general public or a segment of the general public that it will provide beds, sanitary facilities or other space for a temporary period to members of the general public.

(ii) 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.

(2) The term does not include a bed and breakfast homestead or inn as defined in 3 Pa.C.S. § 5702 (relating to definitions).

"Market area." As follows:

(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) The city and the area within the county which is not more than 15 miles from the site of the convention center.

(ii) The city and the area within the county which, as determined by the board of county commissioners 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 subparagraph may challenge the determination by filing a petition in the court of common pleas in the judicial district in which the determination was made.

"Occupancy." The use or possession, or the right to the use or possession, by an individual 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." Any individual, partnership, nonprofit or profit-making association or corporation or other person or

group of persons that 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." An individual who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." An individual who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a 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." A period of time not exceeding 30 consecutive days.

"Tourist promotion agency." The agency designated by the governing body of a county or county seat in which the convention center is located to be eligible for grants from the Department of Community and Economic Development under the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

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

"Transient." An individual who obtains an accommodation in any hotel 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.

Cross References. Section 17323 is referred to in section 17302 of this title.

SUBCHAPTER B

THIRD CLASS COUNTY CONVENTION CENTER AUTHORITIES, ALTERNATIVE PROVISIONS

Sec.

- 17331. Scope of subchapter.
- 17332. Findings, declaration of policy and scope.
- 17333. Definitions.
- 17334. Authority creation.
- 17335. Purpose and powers of authorities.
- 17336. Capital and operating budgets.
- 17337. Authority to issue bonds.
- 17338. Provisions of bonds, trusts, indentures and mortgages.
- 17339. Remedies of obligee of authority.
- 17340. Additional remedies conferrable by authority.
- 17341. Governing board.
- 17342. Sovereign immunity.
- 17343. Money of authority.
- 17344. Transfer of existing facilities or money and making of annual grants and lease payments to authority.
- 17345. Award of contracts.
- 17346. Interests of public officers, public employees and party officers.
- 17347. Use and operation of convention center facilities.
- 17348. Limitation of powers.
- 17349. Exemption from taxation.
- 17350. Lease by authorities.
- 17351. Cooperation.
- 17352. Hotel room rental tax.
- 17353. Construction.

§ 17331. Scope of subchapter.

This subchapter relates to third class county convention center authorities, alternative provisions.

§ 17332. Findings, declaration of policy and scope.

(a) Findings.--It is determined and declared that:

(1) 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) 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) Development of convention centers is appropriate within a third class county and 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 municipalities and this Commonwealth as a whole.

(4) 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 municipalities and this Commonwealth as a whole.

(5) The development of a convention center will provide benefits to the hotel industry throughout the entire area of the county in which the center is developed.

(6) The development of a convention center will also provide benefits to the restaurant and entertainment industries throughout the entire county in which 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) 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 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) 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) An important aspect of the development of convention centers should be the removal and redevelopment of blighted areas.

(b) Declaration of policy.--It is 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 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. The purpose is declared to be a public purpose

supporting the enactment of this subchapter for which public money may be spent and taxes may be imposed.

(c) Scope.--

(1) This subchapter shall apply to counties of the third class.

(2) This subchapter may not apply to:

(i) A county which has created, either individually or jointly with its county seat, a third class county convention center authority under this subchapter or the former 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) Option.--The following shall apply:

(1) A county which has created, either individually or jointly with its county seat, a third class county convention center authority under Subchapter A (relating to third class county convention center authorities) after January 1, 2000, may opt to have the authority treated as having been organized under the provisions of this subchapter. The option shall be exercised by the adoption of a resolution by the governing body of the county. The exercise of the option under this paragraph may not be revoked.

(2) If an authority is organized under paragraph (1), the following transitional provisions shall apply to the authority, the county, the county seat, State public bodies and political subdivisions:

(i) all acts of the authority shall be considered granted under the authority of this subchapter, regardless of whether the acts were taken prior to or after December 18, 2000;

(ii) all acts of the county and, if applicable, the county seat in organizing the authority shall be considered granted under the authority of this subchapter, regardless of whether the acts were taken prior to or after December 18, 2000;

(iii) all acts of the county taken or purported to be taken under the authority of Subchapter A, including the enactment of a hotel room rental tax, shall be considered granted under the authority of this subchapter, regardless of whether the acts were taken prior to or after December 18, 2000; and

(iv) all acts with respect to the authority of a State public body or a political subdivision taken or purported to be taken under the authority of Subchapter A, including 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 considered granted under the authority of this subchapter, regardless of whether the acts were taken prior to or after December 18, 2000.

(3) If an authority is organized under paragraph (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 Subchapter A are ratified and affirmed in their entirety, regardless of whether the acts were taken prior to or after December 18, 2000.

(4) If an authority is organized under paragraph (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 subchapter.

§ 17333. Definitions.

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

"Authority." An agency and public instrumentality of the Commonwealth and a body politic and corporate created under this subchapter.

"Board." The governing body of an authority.

"Bonds." Notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which the authority may issue.

"Construct." The acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center or part of a convention center 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 of a convention center.

"Convention center." The following:

(1) Any land, improvement, structure or building or property interest, whether owned or acquired by or leased by or to an authority, appropriate for any of the following:

(i) Large public assemblies.

(ii) Holding of conventions, conferences, trade exhibitions and other business.

(iii) Social, cultural, scientific, sports, recreational, artistic and public interest events.

(iv) Performances and exhibitions.

(2) Facilities, furniture, fixtures and equipment necessary or incident to an item listed under paragraph (1), including, but not limited to:

(i) hotels, including meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, locker rooms, practice areas and equipment, training areas and equipment and truck loading areas, including access to the truck loading areas;

(ii) accessways, including tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether the buildings or facilities constitute convention center facilities or are owned or controlled by the authority;

(iii) common areas, lobbies, offices and areas appurtenant to any of the items listed under this paragraph; and

(iv) other land, buildings, structures or facilities for use or planned for use in conjunction with the items listed under this paragraph, 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 the improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of the convention center facility.

"Cost of a project." The following:

(1) All or any part of the cost of construction, acquisition, alteration, enlargement, furnishing, fixturing and equipping, reconstruction and rehabilitation of a convention center project.

(2) An item listed under paragraph (1) shall include the cost of:

(i) 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;

(ii) demolishing or removing buildings or structures on land acquired, including the cost of acquiring lands to which the buildings or structures may be moved or located;

(iii) all utility lines;

(iv) structures or equipment;

(v) charges and interest prior to, during and after completion of construction and acquisition;

(vi) provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements;

(vii) architectural, engineering, financial and legal services;

(viii) plans, specifications, studies, surveys, estimates of cost and revenues;

(ix) expenses necessary or incident to determining the feasibility or practicability of constructing the project;

(x) other capital cost or expense as may be necessary or incident to the construction, development and acquisition of the project; and

(xi) 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." A county of the third class or a county which was a county of the third class at the time the county took action to create an authority under this subchapter.

"Obligee." A bondholder or a trustee for a bondholder party to a contract with the authority.

"Political subdivision." A governmental body other than a State public body or a Federal agency. The term includes a county, city, borough, township, school district, municipal authority, transit authority, parking authority or other authority of any type.

"Project." A site, building, structure, equipment, furnishing and other facilities or undertaking in respect of a convention center facility which the authority may acquire, construct, improve, install, maintain or operate under the provisions of this subchapter.

"State public body." The Commonwealth and its executive, administrative and independent agencies, departments, officers, boards, authorities, commissions and instrumentalities.

"Substantial completion." 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 90% of the work on the project area is completed.

§ 17334. Authority creation.

(a) **General rule.**--The following shall apply:

(1) 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.

(2) If any part of the convention center facilities constructed by an authority created under this subchapter 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 are located entirely outside the jurisdictional limits of the county seat of the county, the authority may be created solely by the county.

(3) The exercise by the authority of the powers conferred by this subchapter is declared to be an essential public function.

(b) Adoption.--An authority shall be created by an ordinance or equivalent enactment, adopted by the county or, for a joint authority, ordinances or equivalent enactments, adopted by the county and the county seat providing that an authority is created under this subchapter 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, for a joint authority, on the date that the second ordinance is enacted; or

(2) a later date as may be specified in the articles of incorporation.

(c) Amendment.--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 subchapter.

§ 17335. Purpose and powers of authorities.

(a) Purposes.--An authority created under this subchapter 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 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 centers or parts of convention centers. The convention centers shall not be required to 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) Powers.--The authority is granted all powers necessary or convenient for carrying out the purposes in subsection (a), including, without limiting the generality of the foregoing, the right and power to:

(1) Have continuing succession.

(2) Sue and be sued, implead and be impleaded, complain and defend in all courts.

(3) Adopt, use and alter at will a corporate seal.

(4) 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 subchapter.

(5) Sell, transfer or dispose of property or an interest in the property with adequate and fair consideration.

(6) Acquire, hold, develop, design, construct, improve, maintain, manage, operate, furnish, fixture, equip, repair, own, lease or sublease convention centers, or parts of convention centers, 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 centers or parts of convention centers.

(7) Make bylaws for the management and regulation of authority affairs and issue rules, regulations and policies in connection with the performance of its functions and duties.

(8) Appoint officers, agents, employees and servants to prescribe their duties and to fix compensation.

(9) Fix, alter, charge and collect rentals, admissions, license fees and other charges.

(10) Do the following:

(i) Borrow money for the purpose of paying the costs of a project and to evidence the same.

(ii) Make and issue negotiable bonds of the authority.

(iii) Secure payment of the bonds or any part of a bond, by pledge or deed of trust of authority revenues, including any hotel room rental tax, rentals, receipts and contract rights.

(iv) Make 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.

(v) Obtain credit enhancement or liquidity facilities in connection with the bonds as the authority determines advantageous.

(vi) In general, provide for the security of the bonds and the rights of the bondholders.

(11) Make, enter into and award contracts and to execute all instruments necessary or convenient for the carrying out of its business.

(12) Borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with a Federal agency, State public body, political subdivision, person, association, partnership or corporation.

(13) Pledge, hypothecate or otherwise encumber authority property, real, personal or mixed, tangible or intangible, and its revenues or receipts, including interest the authority may have in a lease or sublease of convention centers or parts of convention centers.

(14) Procure insurance containing coverages, including insurance covering the timely payment in full of principal

of and interest on bonds of the authority, in amounts and from insurers as the authority determines necessary or desirable.

(15) Invest authority money.

(16) Cooperate with a Federal agency, State public body or political subdivision.

(17) Invest money held in reserve or sinking funds or money not required for immediate disbursements as authorized by section 17343(d) (relating to money of authority).

(18) Appoint all officers, agents and employees required for the performance of its duties and compensation and retain or employ other agents or consultants, including architects, auditors, engineers, private legal counsel and private consultants, on a contract basis or otherwise for rendering professional or technical services and advice.

(19) Enroll authority employees in an existing retirement system of the State, county, city or other governmental entity.

(20) Appoint and fix the compensation of chief counsel and assistant counsel to provide the authority with legal assistance, and the authority, through counsel, shall defend actions brought against the authority and authority officers and employees if acting within the scope of official duties.

(21) Maintain an office in the county seat.

(22) Appoint an executive director who shall:

(i) be the chief executive officer of the authority;

(ii) devote his or her full time during business hours to the duties of the office; and

(iii) receive compensation as the board shall determine.

(23) Make grants to the county in accordance with the provisions of subsection (e).

(24) 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 the authority by this subchapter or any other act.

(c) Prohibitions.--The following apply:

(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 authority obligations be deemed obligations of any State public body, a political subdivision or the county and a State public body, a political subdivision or the county shall not be liable for the payment of principal or interest on such obligations.

(2) The authority shall have no power of eminent domain.

(d) Affirmative action plan.--The authority shall develop and implement an affirmative action plan to assure that all individuals are accorded equality of opportunity in employment and contracting by the authority and authority contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

(e) Grants.--The following apply:

(1) The authority shall have the power to make grants to the county for the financial support of regional assets located within the county. Grants made under this subsection shall be included in the capital budget adopted by the authority under section 17336(a) (relating to capital and operating budgets) and may only be made if the authority finds, by resolution adopted by a majority vote of authority members, that the making of such grants shall not adversely affect the short-term or long-term capital, operational 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 bondholders issued by the authority. Grants made under the authority of this paragraph:

(i) may not obligate money 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; and

(iii) may be rescinded or reduced by the authority if the authority, prior to payment of the grant, determines that the current or projected financial needs of the authority require reduction or rescission of the grant.

(2) Grants received by the county from the authority under paragraph (1) shall be deposited into 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. Money deposited into the regional asset fund shall be invested only in those types of investments in which a county of the third class may invest general money of the county under applicable law. Earnings on the 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 money in the regional asset fund during a particular fiscal year but may accumulate money within the regional asset fund if the county determines that the accumulation of the money, 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 paragraph (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. § 501(c)(3)) 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 other terms and conditions as the county may prescribe, including requirements with respect to matching funds and continued financial support of the grantee for the regional asset with respect to which the grant is being made; and

(vi) no grant may obligate money from the regional asset fund beyond a single 12-month period.

(4) For purposes of this subsection, the term "regional asset" means a civic, recreational, sports or cultural facility, including 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 may not be considered regional assets:

- (i) a health care facility;
- (ii) an institution which predominantly provides elementary, secondary or higher education or other training;
- (iii) a Federal or State park;
- (iv) an airport or public transportation system or facility;
- (v) a library;
- (vi) a paid or volunteer public safety organization and facility;
- (vii) an authority created under this subchapter and any facilities owned or operated by such an authority; or
- (viii) an asset which fails to serve a significant number of individuals who are not residents of the city, borough or township within which the asset is located.

(5) The county shall have the authority to prescribe reasonable rules, regulations and procedures for:

- (i) the administration of the regional asset fund and the segregated account in which the regional asset fund is deposited;
- (ii) the making of grants from the regional asset fund; and
- (iii) the administration of grants made from the regional asset money.

(f) Naming or designation revenue.--Net revenues received from the sale of rights for the naming or designation of a convention center or part of a convention center shall be allocated as follows:

(1) Fifty percent of revenues shall be distributed to the county for deposit into a segregated account identified as the regional asset fund to be utilized as provided in subsection (e)(3).

(2) Fifty percent of revenues shall be retained by the convention center authority established under this subchapter.

(g) Application.--Subsection (f) may not apply to a sale of rights occurring prior to the enactment of this subchapter. Revenues from the sale of naming rights for items of a de minimis nature, including the sale of plaques, individualized bricks or furniture, may not be subject to allocation under this section.

Cross References. Section 17335 is referred to in section 17352 of this title.

§ 17336. Capital and operating budgets.

(a) Capital budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended capital budget shall be prepared and submitted to the board. 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 money subject to control or appropriation by the board. For each separate purpose, project, facility or other property, 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 shall be shown. 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) Operating budget.--At least 90 days before the commencing of the ensuing fiscal year of the authority, a recommended operating budget shall be prepared and submitted to the board. 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, the governing body 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 shall set forth the estimated receipts and revenues of the authority during the next fiscal year. The board shall, at least 30 days before the end of the fiscal year, adopt by a majority vote of its members an operating budget for the next fiscal year.

Cross References. Section 17336 is referred to in section 17335 of this title.

§ 17337. Authority to issue bonds.

(a) Bonds generally.--The bonds of an authority created under this subchapter and authorized to be issued:

(1) Shall be authorized by resolution of the board of the authority and shall be of a series, bear a date, mature at a time not exceeding 40 years from the respective date, bear interest at a rate as shall be determined by the board as necessary to issue and sell the authorized bonds, be in denominations, be in a form, either coupon or fully registered without coupons, carry registration, exchangeability and interchangeability privileges, be payable in a medium of payment and at a place, be subject to terms of redemption and be entitled to priorities in the revenues or receipts of the authority as the resolution may provide.

(2) Shall be signed by or shall bear the facsimile signatures of officers as the authority shall determine, and coupon bonds shall have interest coupons bearing the facsimile signature of the treasurer of the authority attached to the bond, and all bonds shall be authenticated by an authenticating agent, fiscal agent or trustee, as may be prescribed in the resolution.

(3) May be issued and delivered regardless of whether one or more of the officers who signed the bonds or the treasurer who, by facsimile, signed the coupon are not officers when the bonds are delivered.

(b) Sale.--The bonds may be sold at public sale or private negotiated sale for a price or prices and at a rate of interest as the authority determines. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of the bonds and may contain terms and conditions as the authority may determine.

(c) Negotiable instrument.--The bonds shall have the qualities of negotiable instruments under 13 Pa.C.S. (relating to commercial code).

(d) Proceeds.--The net proceeds of the issuance 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 an individual.

(e) Refund.--The following apply:

(1) Subject to the provisions of the outstanding bonds, notes or other obligations and subject to the provisions of this subchapter, 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" 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.

§ 17338. 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 other powers, shall have the power to:

(1) Pledge all or part of the gross or net revenues of the authority to which its right exists or may thereafter exist.

(2) Mortgage all or part of the authority's real or personal property owned or acquired.

(3) Do the following:

(i) Covenant against pledging all or part of the authority's revenues or against mortgaging all or part of the authority's real or personal property to which the right or title exists or may thereafter exist or against permitting or suffering a lien on the revenues or property.

(ii) Covenant with respect to limitations on the authority's right to sell, lease or otherwise dispose of real property.

(iii) Covenant as to what other or additional debts or obligations may be incurred by it.

(4) Do the following:

(i) 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.

(ii) Provide for the replacement of lost, destroyed or mutilated bonds.

(iii) Covenant against extending the time for the payment of authority bonds or interest.

(iv) Redeem the bonds and to covenant for and provide the terms and conditions for bond redemption.

(5) Do the following:

(i) 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.

(ii) Create or authorize the creation of special funds for debt service or other purposes.

(iii) Covenant as to the use and disposition of the money held in funds under subparagraph (ii).

(6) Prescribe the procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated, the amount of bonds, with the consent of the bondholders, and the manner in which consent may be given.

(7) Do the following:

(i) Covenant as to the use of the authority's real or personal property.

(ii) Warrant title of the property.

(iii) 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 money.

(8) Do the following:

(i) Covenant as to the rights, liabilities, powers and duties arising upon the breach by the authority of any covenant, condition or obligation.

(ii) Covenant and prescribe in the event of default as to terms and conditions upon which the authority's bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which the declaration and the authority's consequences may be waived.

(9) Do the following:

(i) Vest in a trustee or the bondholders the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(ii) 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 from the property and to dispose of the money in accordance with the agreement of the authority with the trustee.

(iii) Provide for the powers and duties of a trustee and to limit the trustee's liabilities.

(iv) Provide the terms and conditions upon which the trustee or the bondholders may enforce covenants or rights securing or relating to the bonds.

(10) Obtain letters of credit and bond insurance.

(11) Do the following:

(i) Exercise all or any part or combination of the powers granted in this section.

(ii) Make covenants and perform acts necessary, convenient or desirable to secure bonds or, in the absolute discretion of the authority, to accomplish the purposes of this subchapter by making the bonds more marketable regardless of whether the covenants or acts are specifically enumerated under this section.

§ 17339. 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 authority members, officers, agents or employees 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 covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this subchapter.

(2) By proceeding in equity, to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of the obligee.

§ 17340. Additional remedies conferrable by authority.

(a) **General rule.**--The authority shall have the power by resolution, trust, indenture or mortgage to confer upon any obligees holding or representing a specified percentage of bonds

the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in the resolution or instrument, by suit, action or proceeding in a court of competent jurisdiction to:

(1) obtain the appointment of a receiver of any real property or leasehold interest of the authority and of the rents and profits from the property. If a receiver is appointed, the receiver may enter and take possession of the real property or any leasehold interest, operate the real property or leasehold interest and collect and receive all revenues or other income arising from the operation and shall keep the money in a separate account and apply the same in accordance with the obligations of the authority as the court shall direct; or

(2) require the authority and its members to account as if the authority and authority members were the trustees of an express trust.

(b) Prohibition.--For the purpose of operating and maintaining facilities of the authority, nothing in this subchapter shall authorize a receiver appointed under this subchapter to sell, assign, mortgage or otherwise dispose of authority assets. It is the intention of this subchapter to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court directs, and the following apply:

(1) Receivers may not sell, assign, mortgage or otherwise dispose of any assets of the authority.

(2) Bondholders, trustees and other obligees do not have the right in any suit, action or proceeding, at law or in equity, to compel a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

(3) A court may not direct a receiver to sell, assign, mortgage or otherwise dispose of any assets of the authority.

§ 17341. Governing board.

(a) Composition.--The power of the authority shall be exercised by a governing board composed of 11 members appointed as follows:

(1) The mayor or, if there is no mayor, the governing body of the municipality in which a convention center is located shall appoint two members. Subject to subsection (b), the terms of the first two members appointed shall be for a two-year and four-year term, respectively. In all cases, the beginning of the term shall be January 1 of the year of appointment, subject to subsection (b).

(2) The county council or, if there is no county council, the governing body of the county in which a convention center is located shall appoint seven members. Subject to subsection (b), the beginning of the term shall be January 1 of the year of appointment. The terms of the first seven members appointed shall be allocated as follows:

- (i) One one-year term.
- (ii) Two two-year terms.
- (iii) Two three-year terms.
- (iv) Two four-year terms.

(3) Two members shall be appointed by the Governor with the advice and consent of a majority of the members of the Senate.

(b) Terms.--Except as otherwise provided and subject to subsection (a), members shall serve a four-year term from the date of appointment and until their successors have been appointed and qualified. If a vacancy occurs by death, disqualification, resignation or removal of a member, the

appointing authority shall appoint a successor to fill the unexpired term.

(c) Compensation.--The members of the board may not be compensated for service on the board or for any other position in which the members 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) Powers and duties.--

(1) The following shall apply:

(i) The members of the board shall select a chairperson and other officers as the board determines from among the members.

(ii) Except as otherwise provided, all actions of the board shall be taken by a vote of at least six members of the board, which shall constitute a majority of the board, unless the bylaws of the authority provide for a majority vote by a present quorum of not less than six members in the absence of a full board.

(iii) 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 the authority 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.

(iv) As used in this subsection, the term "actions by or on behalf of the board" means any action of the board, including the hiring, appointment, removal, transfer, promotion or demotion of any officers and employees, 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 paragraph (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 an 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) Liability.--Members of the board may not be held personally liable for the bonds or other obligations of the authority, and the rights of creditors shall be solely against the authority. The authority shall defend board members and the authority shall indemnify and hold harmless board members, whether currently serving as a member of the authority, against and from personal liabilities, actions, causes of action and claims made against them for actions performed within the scope of board member duties.

§ 17342. Sovereign immunity.

The following apply:

(1) An authority created under this subchapter, and the authority's officers, officials and employees, shall have sovereign and official immunity, as provided under 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver).

(2) An authority created under this subchapter, and the authority's officers, officials and employees, shall remain immune from suit, except as provided by and subject to 42 Pa.C.S. §§ 8501 (relating to definitions), 8502 (relating to enforcement proceedings), 8521 (relating to sovereign immunity generally), 8522 (relating to exceptions to sovereign immunity), 8523 (relating to venue and process), 8524 (relating to defenses), 8525 (relating to legal assistance), 8526 (relating to counterclaim by the Commonwealth), 8527 (relating to indemnity relating to inmate health care) and 8528 (relating to limitations on damages).

(3) Notwithstanding 42 Pa.C.S. § 8525, the authority, through the authority's counsel, shall defend actions brought against the authority and the authority's officers and employees when acting within the scope of the officers and employees' official duties.

§ 17343. Money of authority.

(a) Payment of money.--All money of the authority shall be paid to the treasurer of the authority or other officer or officers of the authority as the authority may designate.

(b) Duty of board.--The board shall invest authority money consistent with sound business practice.

(c) Investment program.--The board shall provide for an investment program subject to restrictions contained in this subchapter, in any other applicable statute and in rules and regulations adopted by the board.

(d) Authorized investments.--The following shall apply:

(1) Authorized types of investments for authority money shall be:

(i) Direct obligations of or obligations guaranteed by the United States.

(ii) A bond, debenture, note, participation certificate or other similar obligation issued by any one or combination of the following agencies:

- (A) Government National Mortgage Corporation.
- (B) Federal Land Banks.
- (C) Federal Home Loan Banks.
- (D) Federal Intermediate Credit Banks.
- (E) Banks for Cooperatives.
- (F) Tennessee Valley Authority.
- (G) United States Postal Service.
- (H) Farmers Home Administration.
- (I) Student Loan Marketing Association.
- (J) Export-Import Bank of the United States.

(iii) A bond, debenture, note, participation certificate or other similar obligation issued by the

Federal National Mortgage Corporation to the extent the 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.

(iv) Deposits in interest-bearing time deposits, 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 in this paragraph to the extent not so insured.

(v) Repurchase agreements relating to, or investment agreements secured by or providing for the acquisition of and, if applicable, resale of, obligations described in subparagraphs (i), (ii), (iii) and (iv) or obligations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association with:

(A) banks or trust companies, which may include a banking entity or depository;

(B) 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

(C) insurance companies rated A+ or better by Best's and having a net capital and surplus of at least \$25,000,000 or certificates of deposit with banks or trust companies fully secured as to principal and accrued interest by obligations described in subparagraphs (i), (ii), (iii) and (iv) deposited with or subject to the control of the authority.

(vi) Money market deposit accounts of banks or trust companies having a net capital and surplus of at least \$25,000,000, which may include a banking entity or depository.

(2) The description of authorized investments as set forth in paragraph (1)(v) and (vi) shall be met only if the agreements referenced provide for the repayment of the principal amount invested at an amount not less than the amount invested. If a security is required as set forth in paragraph (1)(iv), (v) and (vi), the security shall be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. Money of the authority shall be paid out on the warrant or other order of the chairperson of the authority or of other individuals as the authority may authorize to execute warrants or orders.

(e) Reports.--The following shall apply:

(1) An authority created under this subchapter 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. Authority books, accounts and records shall be audited annually in accordance with generally accepted auditing standards by an independent auditor who shall be a certified public accountant, and a copy of the 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 in which the authority is located.

(2) An authority created under this subchapter 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 employees and the amount of compensation received by each employee, the names of authority independent contractors and the amount of remuneration received by the employees and the names of any providers of professional services and the value of the contracts for professional services.

(f) Right of examination.--The Attorney General, Auditor General, Secretary of the Budget, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives shall have the right to examine the books, accounts and records of the authority.

Cross References. Section 17343 is referred to in section 17335 of this title.

§ 17344. Transfer of existing facilities or money and making of annual grants and lease payments to authority.

(a) Transfer.--

(1) A State public body or political subdivision may 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 part of a convention center, or an interest in property, real, personal or mixed, tangible or intangible, or any money available, needed or obligated for development, acquisition, design, maintenance, management, operation, financing, leasing or subleasing, construction or improvement purposes, including the proceeds of bonds issued for construction or improvement of a convention center or part of a convention center.

(2) Property, money, a convention center or part of a convention center received by the authority may be used for any lawful purpose of the authority. Nothing in this subchapter or any other law shall be deemed to make an authority or person a State-supported or State-aided institution under the laws of this Commonwealth.

(b) Grants.--

(1) Subject to paragraph (2), the governing bodies of the county and county seat may:

(i) Make grants from current revenues to the authority.

(ii) Assist in defraying the costs of management, operation, maintenance, financing and debt service of convention center facilities or parts of facilities.

(iii) Enter into long-term agreements providing for the payment of the grants and assistance under subparagraphs (i) and (ii).

(iv) Enter into long-term leases or subleases as lessee or sublessee of convention centers or parts of convention centers.

(2) Obligations of the county and county seat to make grants, lease or sublease payments to an authority may 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.

(3) The county and county seat may issue general obligation bonds for the purpose of obtaining money for local

contributions pertaining to convention centers or parts of convention centers.

(c) Bonds.--The Commonwealth may contribute to the capital costs of constructing a convention center by the issuance of Commonwealth bonds and notes under 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 deemed to be a redevelopment assistance project for which capital money of the Commonwealth may be expended under 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 may make capital grants directly to the authority in furtherance of this subchapter.

§ 17345. Award of contracts.

(a) Bids.--

(1) All construction, reconstruction, repairs or work of any nature made by the authority in which the entire cost, value or amount exceeds the adjusted base amount under section 15101(a) (relating to commissioners sole contractors for county generally) for which bids are required for counties shall be approved only under contract.

(2) For a contract under paragraph (1), the authority shall:

(i) provide public notice to solicit competitive bids as provided under this section; and

(ii) enter into the contract with the lowest responsible bidder.

(3) The authority shall have the right to reject any bid or select a single item from any bid in accordance with paragraph (2).

(b) Contracts.--

(1) Subsection (a) shall not apply to construction, reconstruction, repairs or work done by employees of the authority or by labor supplied under agreement with a Federal agency, State public body or political subdivision.

(2) No contract shall be entered into under subsection (a) for construction, improvement or repair of a project unless the contractor provides sufficient surety approved by the authority in an amount fixed by the authority for the performance of the contract.

(3) All contracts entered into under subsection (a) shall provide that the individual or corporation entering into the contract with the authority pay for all materials furnished and services rendered for the performance of the contract and that an individual or corporation furnishing materials or rendering services may maintain an action to recover against its obligor providing materials or services within one year.

(4) Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve a project or portion of a project or any addition, betterment or extension of a project directly by the officers and employees of the authority.

(5) 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), referred to as the Separations Act, and shall be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(6) Nothing in this section or other law of this Commonwealth shall require the authority to competitively

bid architectural design, engineering or other professional services required by the authority.

(c) Notice.--The authority shall provide due public notice to receive bids for contracts for supplies and materials that exceed the adjusted base amount under subsection 15101(a) for which bids are required for counties.

(d) Accepted bid.--The authority shall accept the lowest bid from a responsible bidder when kind, quality and material is equal, and the following apply:

(1) The authority shall have the right to reject any bid or select a single item from a bid.

(2) This subsection shall not apply to the purchase of unique supplies and materials or supplies and materials which cannot be obtained in the open market.

(e) Convention center facilities.--The board, upon the approval of six members, may negotiate contracts for management, operation, concession services, licensing or leasing of convention center facilities, or any part. 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. The authority and the authority's contractors, subcontractors, assignees, lessees, agents, vendors and suppliers shall not be subject to county or county seat laws, ordinances, rules or regulations relating to limits or preferences with regard to employment, contracting or procurement in the construction and operation of convention center facilities.

(f) Governing law.--The authority shall be subject to the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

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

"Advertisement or public notice." A notice published at least 10 days before the award of a contract in a newspaper of general circulation published in the county. The notice may be waived if the authority determines an emergency exists and supplies and materials must be immediately purchased by the authority.

Special Provisions In Appendix. See section 6(3) of Act 14 of 2024 in the appendix to this title for special provisions relating to applicability.

§ 17346. Interests of public officers, public employees and party officers.

(a) Employment.--Party officers, public officers, public officials, public employees or individuals convicted of an infamous crime may not be employed as a management-level authority employee.

(b) Public employees.--The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, and 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) apply to board members, officers and employees of the authority, and the following apply:

(1) For the purposes of application of these acts and regardless of compensation, the employees of the authority shall be regarded as public employees and officers or board members of the authority shall be regarded as public officials.

(2) The authority shall be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, and to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(c) Prohibitions.--Notwithstanding subsection (b), the following prohibitions shall apply to the authority created under this subchapter:

(1) A management-level employee or other employee of the authority may not use the employee's position or confidential information received through the employee's position to obtain financial gain other than compensation provided by law for the employee, a member of the employee's immediate family or a personal business.

(2) A management-level employee or other employee of the board or a member of the employee's immediate family or a personal business may not solicit or accept anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on an understanding that the vote, official action or judgment of the employee would be influenced.

(3) A management-level employee or other employee of the board or a member of the employee's immediate family or a business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding 5% of the equity at fair market value of the business may not enter into a contract valued at \$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) A former management-level employee or other former employee of the board may not represent a person, with or without compensation, on any matter before the authority with which a former management-level employee or other former employee of the board has been associated for one year after separation from the authority.

(5) (i) An individual who is a State, county seat or county public officer or public official or party officer or a member of the individual's immediate family or the individual's personal business may not have a financial interest in a contract valued at \$500 or more to provide goods or services to the authority either during the time the individual holds the office or for two years after termination unless the contract is executed under paragraph (3).

(ii) For purposes of this paragraph, the term "financial interest" does 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 5% of the total ownership of the noncorporate business association.

(6) A management-level employee, other employee of the board, an advisor or consultant to the county seat, the county or the State, having recommended to the authority either making a contract relating to a convention center authority or a course of action of which the making of the contract is an express or implied part, may not, at any time after making the recommendation, possess an adverse interest in the contract.

(7) A management-level employee or other employee may not have an adverse interest in a contract with an authority. The following shall apply:

(i) A management-level employee or other employee of the authority, the county seat, the county or the State may not influence or attempt to influence the making of or supervise or in any manner deal with a contract with the authority in which the employee has an adverse interest.

(ii) A person having an adverse interest in a contract with the authority may not become a management-level employee or other employee of the authority until the adverse interest has been wholly divested.

(8) A management-level employee or other employee of the authority, the county seat, the county or the State, except in the performance of his or her duties as an employee, may not for remuneration, directly or indirectly, represent a person in a matter pending before the authority.

(d) Penalties.--An individual who violates this section shall have the individual's 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 the employee from the authority while employed in violation of subsection (b). The following shall apply:

(1) An individual who violates subsection (c) (1) or (2) commits a felony and, upon conviction, shall be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(2) An individual who violates subsection (c) (3), (4), (5), (6), (7) or (8) commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(3) An individual 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.

(4) An individual 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.

(5) An employee 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.

(6) The penalties and sanctions under this section shall supersede any similar penalties and sanctions provided by 65 Pa.C.S. Ch. 11 and the State Adverse Interest Act.

(e) Definitions.--The following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Business." 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.

"Immediate family." A parent, spouse, child, brother, sister or like relative-in-law.

"Infamous crime." A violation and conviction for an offense which would disqualify an individual from holding public office under 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 18 Pa.C.S. 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 10 years and which is classified as a felony, and similar violations of the laws of the Federal Government or another state.

"Management-level authority employee." The chairperson and members of the board of the authority, counsel employed by the authority, the executive director of the authority and any authority employee with discretionary powers which may affect the outcome of the authority's decision in relation to a private corporation or business or any employee who by virtue of the employee's job function could influence the outcome of the decision.

"Party officer." The following members or officers of a political party:

- (1) a member of a national committee;
- (2) a chairperson, vice chairperson, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee;
- (3) a city chairperson or vice chairperson or counsel, secretary or treasurer of a city committee; or
- (4) a county chairperson or vice chairperson or counsel, secretary or treasurer of a county committee.

"Person." A business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Public employee."

(1) An individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (i) contracting or procurement;
- (ii) administering or monitoring grants or subsidies;
- (iii) planning or zoning;
- (iv) inspecting, licensing, regulating or auditing any person; or
- (v) any official action which has an economic impact of greater than a de minimis nature on the interest of any person.

(2) The term does not include individuals who are independent contractors or persons that are employed by the State or a political subdivision in teaching, as distinguished from administrative duties.

"Public officer." An individual elected to any public office of the Commonwealth or a political subdivision.

"Public official."

(1) An elected or appointed official in the executive, legislative or judicial branch of the State or a political subdivision.

(2) The term does not include members of advisory boards that have no authority to expend public money other than

reimbursement for personal expenses or to otherwise exercise the power of the State or a political subdivision.

(3) The term does not include an appointed official who receives no compensation other than reimbursement for actual expenses.

§ 17347. Use and operation of convention center facilities.

(a) **General rule.**--The use and operation of a convention center and the operation of the business of the authority shall be subject to the rules and regulations adopted by the authority.

(b) **Limitation.**--The authority may not impair the security of the obligees of the authority, violate any agreements with the obligees or for the obligee's benefit or violate any contracts, leases or other agreements awarded, made or entered into by the authority.

§ 17348. Limitation of powers.

(a) **Bonds.**--The Commonwealth pledges to and agrees with any:

(1) person, 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 that the Commonwealth will not limit or alter the rights vested in the authority under law in any manner inconsistent with the obligations to the bondholders until all bonds issued, together with the interest, are fully paid and discharged; and

(2) Federal agency that in the event that a Federal agency shall construct or contribute money for the construction or improvement of a convention center that the Commonwealth shall 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) **Leases.**--The Commonwealth pledges to and agrees with any person that, as owner, leases or subleases a convention center to or from an authority created pursuant to this subchapter that the Commonwealth will not limit or alter the rights and powers vested in the authority or otherwise created by this subchapter 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.

§ 17349. Exemption from taxation.

(a) **Purpose of exemption.**--The authorized purposes of authorities created under this subchapter shall in all respects be for the benefit of the residents of this Commonwealth, for the increase of commerce and prosperity and for the improvement of health and living conditions.

(b) **Authority exempt.**--An authority, as public instrumentality of the Commonwealth and performing essential governmental functions in effectuating these purposes, is exempt from the payment of any taxes or assessments upon a convention center or a part of a convention center, or property acquired or used or permitted to be used by a convention center for these purposes.

(c) **Bonds exempt.**--Bonds issued by an authority, transfer of the bonds and the income from the bonds, including any profits made on the sale of the bonds, shall be exempt from State and local taxation within this Commonwealth.

(d) **Limitation.**--The exemptions under subsections (b) and (c) shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, the

transfer or the income of bonds from or the realization of profits on the sale of the bonds.

§ 17350. Lease by authorities.

A convention center may be leased or subleased by the authority to and from the county or county seat, and the county or county seat is empowered to enter into leases or subleases, or both, for this purpose. A lease or sublease may be made for a specified or unlimited time and on any terms and conditions approved by the county or county seat and agreed to by the authority in conformity with its contracts with the bondholders.

§ 17351. Cooperation.

(a) Rights given authority.--For the purpose of aiding and cooperating with the authority and in the planning, acquisition, clearance, relocation, development, design, construction, rehabilitation, leasing, subleasing, alteration, expansion, financing, improvement, management or operation of a convention center, any public body or political subdivision of the Commonwealth or the county or county seat may, with or without consideration:

(1) Dedicate, sell, convey, lease or otherwise transfer property or any interest, real, personal or mixed, tangible or intangible, to the authority.

(2) Cause parking, recreational or community facilities or any other works, which the political body or political subdivision is otherwise empowered to undertake, to be furnished in or adjacent to any area selected for a convention center or part of a convention center.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which the political body or political subdivision is empowered to act.

(4) Enter into agreements, extending over any period, with the Federal Government or the authority with respect to action by a State public body pursuant to the powers granted by this section.

(5) Incur the entire expense in connection with public improvements made by a State public body, political subdivision, county or the county seat, in exercising the powers granted under this section.

(6) 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 part of a convention center.

(b) Power of Secretary of General Services.--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 subchapter.

(c) Payments.--

(1) In connection with a convention center, the county or county seat may contract with the authority or the Federal Government with respect to sums which the Federal Government or the authority 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 the county or county seat for the benefit of the authority, convention center facility or the persons occupying the area.

(2) The absence of a contract for payments under paragraph (1) does not relieve the county or county seat from the duty to furnish for the benefit of the authority, convention center or the persons occupying the area customary

improvements and services and facilities as the county or county seat usually furnish without a service fee.

(d) Agency.--The Commonwealth, county or county seat may, by written agreement, designate the authority as an agent within the authority's field of operation to perform any specified activity or to administer any specified program which the Commonwealth, county or county seat is authorized by law to do if these activities or programs are in furtherance of the public purposes specified in this subchapter. Activities include development, acquisition, design, construction, improvement, maintenance, leasing, management or operation of a convention center or part of a convention center.

(e) Supplemental powers.--Powers granted under this section shall be in addition and supplemental to the powers conferred by any other law.

§ 17352. Hotel room rental tax.

(a) Imposition.--The county in which the authority's convention centers are located or will be located may 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.

(b) Collection.--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.

(c) Rate.--The rate of tax imposed under this section by the county in which the authority's convention centers are located may not exceed 7%.

(d) Distribution of revenue.--Subject to the deduction of the administrative fee authorized by subsection (o), the revenues shall be distributed as follows:

(1) The revenues from the special funds required under subsection (e) attributable to the levy of the first 5% of the tax shall be distributed as follows:

(i) Eighty percent shall be deposited within two working days into the special fund required under subsection (e) for the use of the authority.

(ii) Twenty percent shall be deposited within two working days into the tourist promotion agency fund required under subsection (e) until disbursed under subsection (j).

(2) The revenues from the special fund attributable to the levy of the remaining 2% of the tax shall be deposited into the tourist promotion agency fund required under subsection (e) until disbursed under subsection (j).

(e) Duty of treasurer.--The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and, subject to the deduction of the administrative fee authorized by subsection (o):

(1) deposit 80% of the revenues attributable to the levy of the first 5% of the tax in a special fund established for the purposes set forth in this section;

(2) deposit 20% of the revenues attributable to the levy of the first 5% of the tax in the tourist promotion agency fund until disbursed under subsection (j); and

(3) deposit the revenues attributable to the levy of the remaining 2% of the tax in the tourist promotion agency fund until disbursed under subsection (j).

(f) Deposit of interest.--Interest on money deposited into the funds shall accrue proportionately as provided under subsection (e).

(g) Rules and regulations.--The treasurer may establish rules and regulations concerning the collection of the tax, which may not occur more than monthly nor less than quarterly.

(h) Special fund.--The authority shall have the right to draw upon the special fund established under subsection (e)(1) for the authority. Expenditures from the special fund shall be used by the authority for the following purposes:

(1) Projected annual debt service or lease payments of the convention center authority.

(2) Costs associated with financing, constructing, expanding, improving, maintaining, furnishing, fixturing and equipping convention centers.

(3) Costs associated with the development of convention centers, including design, engineering and feasibility costs.

(4) Costs associated with the operation and management of convention centers.

(5) Costs associated with promoting, marketing and otherwise encouraging use of the convention centers.

(6) General purposes of the authority.

(7) Grants authorized under section 17335(e) (relating to purpose and powers of authorities).

(i) Security.--If and to the extent that the authority pledges the authority's share of the proceeds of the tax authorized by this section as security for the payment of bonds issued by the authority for convention centers, the following shall apply:

(1) The Commonwealth pledges to and agrees with any person, firm or corporation subscribing to or acquiring bonds to be issued by the authority for convention center purposes that the Commonwealth will not, nor will the Commonwealth authorize a county to, reduce the rate of tax imposed for convention centers until all bonds secured by the pledge of the authority, together with interest, are fully met and discharged.

(2) The county may not reduce the rate of tax imposed for convention centers until all bonds secured by the pledge of the authority, together with interest, are fully met and discharged.

(j) Disbursement of money.--Revenues received from the tax deposited into the tourist promotion agency fund required under subsection (f) shall be disbursed by each county to the tourist promotion agency within 10 days of receipt of the revenues.

(k) Fiscal year.--Each tax year any tax imposed under this section shall run concurrently with the county's fiscal year.

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

(m) Penalty.--Notwithstanding any provision of law to the contrary, in counties of the third class having a population under the 1990 Federal decennial census in excess of 415,000 residents but less than 500,000 residents, a penalty of 1.5% per month shall be imposed for failure to timely remit the tax authorized by this section.

(n) Lien.--In addition to other remedies available for collection of debts, the county may also file a lien upon the hotel in the name of and for the use of the county as provided by law for municipal claims.

(o) Administrative fee.--For purposes of defraying the costs of collecting the tax imposed under this section and otherwise performing the county's obligations under this subchapter, the

county may deduct and retain an administrative fee from the taxes collected under this subsection. The administrative fee shall be established by the county but may not exceed in any tax year the lesser of:

- (1) 2% of all taxes collected hereunder; or
- (2) \$40,000, which amount shall be adjusted biannually, beginning two years after the date of enactment, by the percentage growth in the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor.

(p) Regulations.--The county shall have the authority to prescribe rules and regulations as the county determines are appropriate to administer the provisions of this section.

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

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

"Convention center or convention center facility." Any land, improvement, structure, building or part thereof, or property interest, 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 and accessways, including, but not limited to, tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether the buildings or facilities constitute convention centers 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 landscaping, buffer areas, off-street parking, retail areas and other improvements related to a convention center owned by or leased by or to an authority, regardless of whether the improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of a convention center.

"Hotel." A hotel, motel, inn, guest house 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, and the following shall apply:

- (1) The term includes:
 - (i) A place which advertises to the general public or a segment of the general public that it will provide beds, sanitary facilities or other space for a temporary period to members of the general public.
 - (ii) A place recognized as a hostelry.

(2) The term does not include portions of a facility which are devoted to individuals who have established permanent residence.

(3) The term does not include a bed and breakfast homestead or inn as defined in the former act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.

"Market area." With respect to a county in which there is more than one city of the third class, the entire county. 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:

(1) That city and the area within the county which is not more than 15 miles from the city limits of the county seat.

(2) 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 in which the determination was made.

"Occupancy." 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." Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons that 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." An individual who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." An individual who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a 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." A period of time not exceeding 30 consecutive days.

"Tourist promotion agency." The agency designated by the governing body of a county or county seat in which the convention centers are located to be eligible for grants from the Department of Community and Economic Development under the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

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

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

"Treasurer." The elected treasurer of the county or, if there is no elected treasurer, another official or agent of the

county as may be designated by the county to collect and account for the tax authorized by this section.

§ 17353. Construction.

Nothing in this subchapter shall be construed to limit any action taken under Subchapter A (relating to third class county convention center authorities).

CHAPTER 175
HOTEL TAX

Sec.

- 17501. Authorization of hotel tax.
- 17502. Authorization of five percent hotel tax for a county of the third class.
- 17503. (Reserved).
- 17504. Authorization of five percent hotel tax for a county of the fifth class.
- 17505. Hotel room rental tax in certain third class counties.
- 17506. (Reserved).
- 17507. Hotel room rental tax in third through eighth class counties.
- 17508. Certification of recognized tourist promotion agencies.
- 17509. Hotel room rental tax in second class and second class A counties.

Enactment. Chapter 175 was added May 8, 2024, P.L.50, No.14, effective in 60 days.

§ 17501. Authorization of hotel tax.

(a) Imposition.--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 7% of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) Records.--The county commissioners may by ordinance impose requirements for the 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) Collection.--The treasurer of each county that imposes the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. The disposition of the revenues from the special fund shall be as follows: a minimum of 40% of all revenues received per annum shall be distributed to the TPA, which shall use them for the appropriate and reasonable operational, marketing and promotional expenses of the TPA. Other tax revenues received and amounting to not more than 60% of total annual revenues shall be distributed to the county, which shall use them for reasonable expenses associated with collection and enforcement of the tax; for county-owned tourist and recreational facilities, sports facilities or visitor centers; for other tourism-related activities as determined by the county commissioners; or for other expenditures, debts or liabilities related to tourism or recreational facilities incurred by municipal authorities as determined by the county commissioners.

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

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

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

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

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

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

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

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

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one 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 July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration 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.

§ 17502. Authorization of five percent hotel tax for a county of the third class.

(a) Imposition.--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 5% of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) Records.--The county commissioners may by ordinance impose requirements for the 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) Disposition of first two percent of tax revenue.--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 2% of the tax shall be as follows:

(1) twenty percent 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 percent 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 paragraph (1); and

(3) seventy percent 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 a county regional sports facility having a seating capacity of two and one-half thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. The following are qualified authorities for purposes of this paragraph:

(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.

(d) Disposition of the third one percent of the tax revenue.--The disposition of the revenues from the special fund attributable to the levy of the third percent of the tax, if levied, shall be distributed at the discretion of the county commissioners and used solely for tourism and regional promotion purposes.

(e) Disposition of remaining two percent of tax revenue.--The disposition of the revenues from the special fund attributable to the levy of the remaining 2% of the tax shall be distributed by the treasurer as follows:

(1) fifty percent 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 percent shall be distributed as follows:

(i) Seventy-five percent to an authority incorporated pursuant to the former "Municipality Authorities Act of 1945" located within the county of the third class currently imposing a tax for payment of the debt service on bonds issued for the construction of a county regional sports facility having a seating capacity of two and one-half thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. Such authority shall use the tax distribution identified in this section for the improvement, support, rehabilitation, revitalization, construction, fit-out and reconstruction of one or more tourism or tourism infrastructure-related facilities, including, but not limited to, the payment of debt service on bonds related thereto.

(ii) Twenty-five percent shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses of promoting tourism in a city of the third class located within the county of the third class imposing the tax, and the same shall be used in accordance with a plan approved by the TPA.

(f) Collection and deposit.--The treasurer of each county electing to impose the tax authorized under this section shall 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.

(g) Concurrent tax years.--The tax year for a tax imposed under this section shall run concurrently with the calendar year.

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

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

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment

received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"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 the 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 30 consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one 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 former 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 implied contract.

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

§ 17503. (Reserved).

§ 17504. **Authorization of five percent hotel tax for a county of the fifth class.**

(a) **Imposition.**--The county commissioners of any county of the fifth class having a population under the 2010 Federal Decennial Census in excess of 101,000 residents, but less than

102,000 residents, may impose a hotel tax not to exceed 5% of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

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

(c) Audit.--Each operator of a hotel within a county that imposes the tax authorized under this section shall submit to an audit of hotel tax revenue. The audit shall be conducted by the county commissioners and shall consist, at a minimum, of determining the total amount of consideration received by the operator from transactions of renting a room or rooms to transients during the period being audited and the total amount of hotel tax revenue collected. The county commissioners or their duly authorized agents shall conduct at least one audit annually and shall bear the costs of the audit.

(d) Collection, deposit and disposition of tax revenue.--The treasurer of each county that imposes the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. Subject to the deduction of the administrative fee authorized by subsection (h), the disposition of the revenues from the TPA hotel tax fund shall be as follows:

(1) Seventy-five percent of all revenues received per annum shall be used by the county's recognized TPA for the promotion, advertising and marketing of tourism and special events and for administrative costs.

(2) Twenty-five percent of all revenues received per annum shall be distributed as follows:

(i) Fifty percent shall be used by the county commissioners for the purposes of economic development and historic preservation.

(ii) Fifty percent shall be used by the county commissioners for grants to municipalities that:

(A) have a municipal police department employing at least two full-time police officers assigned to law enforcement duties who work a minimum of 200 days per year; or

(B) are members of a regional police department that provides full-time police services to the municipality pursuant to an agreement or contract.

(iii) Municipalities receiving grants under subparagraph (ii) must meet or have met the eligibility requirements under subparagraph (ii)(A) or (B) for a minimum of two years prior to receiving the grant.

(e) Grants.--Grants under subsection (d)(2)(ii) shall be distributed to municipalities in proportion to the number of hotel rooms within the municipality as a percentage of the total number of hotel rooms in municipalities with police departments under subsection (d)(2)(ii) as compiled by the recognized TPA and certified by the county commissioners. Grants shall be used for police and law enforcement purposes. Any portion of a grant not used for police and law enforcement purposes shall be returned to the county for the purposes of subsection (d)(2)(i).

(f) Concurrent tax years.--The tax year for a tax imposed under this section shall run concurrently with the calendar year.

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

(h) Administrative fee.--The county may deduct and retain an administrative fee from the taxes collected under this section. The administrative fee established by the county may not exceed in any tax year the lesser of:

(1) four and one-half percent of all taxes collected under this section; or

(2) ninety-five thousand dollars, which amount shall be adjusted biannually, beginning two years after July 12, 2012, by the percentage growth in the Consumer Price Index for All Urban Consumers.

(i) Uses of revenue.--Revenue collected from the fee imposed under subsection (h) shall be used for the following purposes:

(1) Defraying the costs associated with the collection and administration of the tax.

(2) Defraying the costs of the review required under subsection (c).

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

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

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

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

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

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

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one 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 July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

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

§ 17505. Hotel room rental tax in certain third class counties.

(a) Imposition.--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) Rate of tax.--The tax imposed under subsection (a) shall be equal to 4% of the consideration received from each transaction of renting a room or rooms to accommodate temporary, not permanent, residents.

(c) Collection.--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) Distribution of tax revenue.--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 10 days of receipt transmit 68.75% 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 former act of April 28, 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

(2) Each county shall retain 18.75% 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 12.5% 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) Definitions.--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, 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 for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.

"Joint planning commissions." A commission established by ordinance or membership of two or more municipalities to encourage planning for future development and to coordinate planning with neighboring municipalities, counties and other government agencies in accordance with Article XI of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

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

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

"Permanent resident." Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"Room." A space in a building set aside for use and occupancy by patrons, or otherwise, for consideration, having at 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 30 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 express or implied contract.

"Transient." Any person who obtains an accommodation in any hotel for himself or herself 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.

§ 17506. (Reserved).

§ 17507. Hotel room rental tax in third through eighth class counties.

(a) Imposition.--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 transients. 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) Limitation on tax rate.--The rate of tax imposed under this section shall not exceed 5%.

(c) Collection, deposit and distribution.--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 (i), the county shall distribute to the recognized tourist promotion agency all revenues received from the tax not later than 60 days after receipt of the tax revenues.

(d) Use of tax revenue.--The revenues from the special fund shall be used by the recognized tourist promotion agency for any of the following purposes:

(1) Marketing the area served by the agency as a leisure travel destination.

(2) Marketing the area served by the agency as a business, convention or meeting travel destination.

(3) Using all appropriate marketing tools to accomplish these purposes, including, but not limited to, advertising, publicity, publications, direct marketing, sales, technology and participation in industry trade shows that attract tourists or travelers to the area served by the agency.

(4) Programs, expenditures or grants that are directly and substantially related to tourism or a business, convention or meeting travel destination within the county, augment and do not compete with private sector tourism or travel efforts and improve and expand the county as a destination market as deemed necessary by the recognized tourist promotion agency. The following shall apply to grants awarded under this paragraph:

(i) Grants require a cash or in-kind local match of at least 25%.

(ii) Grants may not be used for signage that promotes a specific private entity on the situs of that entity, except where the signage also carries the logo of a recognized tourist promotion agency.

(5) Any other tourism or travel marketing or promotion program, expenditure or project that does not compete with private sector tourism or travel efforts as deemed necessary by the recognized tourist promotion agency.

(e) Concurrent tax years.--Each taxable year for any tax imposed under this section shall run concurrently with the county's fiscal year.

(f) Audit.--An audited report or financial statement, as determined by the county in consultation with the recognized tourist promotion agency, 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.

(g) Sanction.--The following shall apply:

(1) If a recognized tourist promotion agency fails to submit an annual audit report or financial statement required under subsection (f) within 90 days of the end of the recognized tourist promotion agency's fiscal year, the

corresponding county may withhold tax revenues collected and deposited in a special fund under this section until the required annual audit report or financial statement is submitted to the county.

(2) In the event the county does not take action under paragraph (1) within 120 days of the end of the recognized tourist promotion agency's fiscal year, the Secretary of Community and Economic Development may require the county to withhold tax revenues collected and deposited in a special fund under this section until the required annual audit report or financial statement is submitted to the county and the Department of Community and Economic Development.

(h) Conflict of interest.--Any board member, director, officer or employee of a recognized tourist promotion agency shall disclose to the recognized tourist promotion agency the nature of any conflict of interest or financial interest and recuse himself or herself from any action taken on behalf of the recognized tourist promotion agency which may result in a private pecuniary benefit to the individual, a member of the individual's immediate family or a business with which the individual or a member of the individual's immediate family is associated.

(i) Administrative costs.--For the purposes of defraying the costs associated with the collection of the tax imposed under this section and otherwise performing its obligations under this section, the county may deduct and retain an administrative fee from the taxes collected under this section. The administrative fee shall be established by the county but shall not exceed 4% of the taxes collected in any taxable year.

(j) Penalty.--A penalty of 1.5% per month shall be imposed upon the operator of a hotel for failure to timely collect and remit the tax authorized by this section. In addition to other remedies available for collection of debts, the county may file a lien upon the hotel in the name of the county and for the use of the county as provided by law.

(k) Definitions.--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:

"Bed and breakfast" or "homestead." A public accommodation consisting of a private residence, which contains 10 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.

"Cabin." A permanent structure with beds and running water that is located on a campground on State land or private property and is available to provide overnight lodging for consideration to persons seeking temporary accommodations. The term does not include a yurt or walled tent.

"Conflict of interest." Use by a board member, director, officer or employee of a recognized tourist promotion agency of the authority of his or her office or employment or any confidential information received through his or her capacity in relation to a recognized tourist promotion agency for the private pecuniary benefit of himself or herself, a member of his or her immediate family or a business with which he or she or a member of his or her immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes a board member, director, officer or employee, a member of his or her immediate

family or business with which he or she or a member of his or her immediate family is associated.

"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 of the third through eighth class that was authorized to levy a hotel occupancy or room rental tax under former sections 1770.2 or 1770.6 of the County Code.

"Hotel." A hotel, motel, inn, guest house, rooming house, bed and breakfast, homestead 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; any place recognized as a hostelry or any cabin. The term does not include any of the following:

- (1) A charitable institution.
- (2) A portion of a facility that is devoted to persons who have an established permanent residence.
- (3) A college or university student residence hall currently occupied by students enrolled in a degree program.
- (4) An educational or religious institution camp for children, including a camp registered under the act of November 10, 1959 (P.L.1400, No.497), entitled "An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties."
- (5) A hospital.
- (6) A nursing home.
- (7) Part of a campground that is not a cabin.

"Immediate family." A spouse, parent, brother, sister or child.

"Marketing." An action by a recognized tourism promotion agency that includes, but is not limited to, promoting and encouraging visitors to visit a specific county, counties or geographic region.

"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." 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." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

"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 a county and certified by the county as of April 20, 2016, or under section 17508 (relating to certification of recognized tourist promotion agencies).

"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.

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

§ 17508. Certification of recognized tourist promotion agencies.

(a) Authorization.--A county may certify a nonprofit corporation, organization, association or agency to serve as the county's recognized tourist promotion agency. The county may not have more than one recognized tourist promotion agency.

(b) Procedure for certification.--The following shall apply:

(1) A county must certify a recognized tourist promotion agency under subsection (a) by proper resolution of the governing body of the county, concurred in by resolution of the governing bodies of cities, boroughs, towns or townships within the county which have an aggregate of more than 50% of the total population of the county as determined by the most recently completed Federal decennial census.

(2) A recognized tourist promotion agency shall operate until that agency has dissolved as an entity, withdrawn its certification or has been decertified by the county under subsection (c).

(c) Decertification.--The following shall apply:

(1) Notwithstanding any other provision of law, a county may decertify a recognized tourist promotion agency by proper resolution of the governing body of a county, concurred in by resolution of the governing bodies of cities, boroughs, towns or townships within the county which have an aggregate of more than 65% of the total population of the county as determined by the most recently completed Federal decennial census.

(2) The county shall hold at least one public hearing on decertification no less than seven days before a meeting to adopt a resolution under this subsection.

(3) This subsection shall apply to recognized tourist promotion agencies, regardless of the date on which they were recognized under the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act, or certified by the county under this section or former section 1770.11 of the County Code.

Cross References. Section 17508 is referred to in section 17507 of this title.

§ 17509. Hotel room rental tax in second class and second class A counties.

(a) Imposition of excise tax.--The following shall apply:

(1) The county commissioners in each county of the second class are authorized to impose an excise tax at 5% on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients.

(2) The county commissioners in each county of the second class A are authorized to impose an excise tax not to exceed 5% on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients.

(3) The tax shall be collected by the operator from the patron of the room and paid over to the county as provided in this section.

(b) Collection, deposit and distribution for county of the second class.--The treasurer of each county of the second class electing to impose the tax authorized under this section is directed to collect the tax and to deposit the revenue received from the tax in a special fund. The revenues shall be distributed by the county commissioners as follows:

(1) Except as set forth in paragraph (5), two-fifths of the revenue received by the county from the excise tax shall be distributed to a tourist promotion agency pursuant to section 2199.14 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

(2) Except as set forth in paragraph (5), one-third of the tax collected by hotels within a municipality where a convention center or exhibition hall is located, less the cost of collecting the tax shall, at the request of that municipality, be returned to that municipality for deposit in that municipality's special fund established solely for purposes of paying for promotional programs implemented by a nonprofit organization which are designed to stimulate and increase the volume of conventions and visitors within the municipality or as provided in paragraph (7), subject to the following requirements:

(i) An audited report on the income and expenditures incurred by the municipality receiving funds from the excise tax on hotel room rentals shall be made annually to the county.

(ii) The members of the board of directors or other governing body of the nonprofit organization utilized by the municipality to provide the promotional programs shall be appointed by the governing body of the municipality.

(3) Except as set forth in paragraph (5), a 5% fee shall be paid to the county for collecting the tax.

(4) Except as set forth in paragraph (5), all remaining revenue from the tax received by the county, after paying the amounts set forth in paragraphs (1), (2) and (3), shall be used for operational and maintenance expenditures of the convention center or exhibition hall as provided in subsection (d) and for regional tourist promotion activities.

(5) Subject to paragraph (6), if bonds are issued by the public authority to provide permanent financing or refinancing of the expansion of and capital improvements to the convention center or exhibition hall, the revenue received from the tax and deposited in the special fund shall not be distributed as set forth in paragraphs (1), (2), (3) and (4) but shall be distributed by the county commissioners in the order of priority as follows:

(i) First, to the payment of all amounts set forth in paragraph (2).

(ii) Second:

(A) to the trustee for the bonds in accordance with the provisions of the indenture pursuant to which the bonds are issued, to be used for the payment of debt service on the bonds; and

(B) to the payment of all amounts set forth in paragraph (3):

(I) in full; or

(II) if the revenues are insufficient to make the payment in full, pro rata.

(iii) Third, to the payment of all amounts set forth in paragraph (1).

(iv) Fourth, as set forth in paragraph (4).

(6) Paragraph (5) shall not apply to bonds issued subsequent to the permanent financing for purposes of completion or subsequent expansions or capital improvements.

(7) If a convention center or exhibition hall discontinues operation in a municipality in which a convention center or exhibition hall is located, the municipality shall continue to collect and receive the tax, which shall be deposited by the municipality and used for the purposes as provided in paragraph (2).

(c) Collection and deposit for county of second class

A.--The treasurer of each county of the second class A electing to impose the tax authorized under this section is directed to collect the tax and to deposit the revenue in a special fund established solely for purposes of travel and tourism promotion and advertising related to travel and tourism promotion. The treasurer is authorized to establish rules and regulations concerning the collection of the tax.

(d) Limitation on use of fund for counties of the second class.--The following shall apply:

(1) In counties of the second class, expenditures from the fund established under subsection (b) shall be used for all purposes which a public authority may determine to be reasonably necessary to the support, operation and maintenance of a convention center or exhibition hall, including the following:

(i) Advertising and publicizing tourist attractions in the area served by the recognized tourist promotion agency.

(ii) Promoting and otherwise encouraging the use of the facilities in the area served by the recognized tourist promotion agency by the public as a whole.

(iii) Promoting and attracting conventions, exhibitions and other functions to utilize facilities in the area served by the recognized tourist promotion agency.

(iv) Precompletion advertising and publicizing of any convention center or exhibition hall.

(v) Promoting and attracting conventions, exhibitions and other functions to utilize the convention center or exhibition hall.

(vi) Promoting and otherwise encouraging the use of the premises by the public as a whole or any segment of the public.

(vii) Operating, furnishing and otherwise maintaining and equipping the premises and realty appurtenant to the premises.

(viii) Furnishing and equipping the building and grounds.

(2) It is the intention of this subsection that the receipts from any tax imposed under this section after payment of the distributions under subsection (b)(1), (2), (3), (4) and (5) be used in the county to offset the entire operating deficit, if any, of any convention center or exhibition hall, including equally, shares of any cooperating

political subdivision or agency of government incurred pursuant to any agreement. The operating deficit shall be determined by the public authority which is the designated operating agency of the convention center or exhibition hall.

(e) Limitation on use of fund for counties of second class

A.--The following shall apply:

(1) In counties of the second class A, expenditures from the fund established under subsection (c) shall be annually appropriated by the county commissioners for tourist promotion activities, to be executed by the recognized tourist promotion agency for the following:

(i) Marketing the area served by the recognized tourist promotion agency as a leisure travel destination.

(ii) Marketing the area served by the recognized tourist promotion agency as a convention, business or meeting travel destination.

(iii) Marketing the area served by the recognized tourist promotion agency to the public as a whole for use of its tourist and convention facilities.

(iv) Using all appropriate marketing tools to accomplish these purposes, including advertising, publicity, publications, direct marketing, sales, technology and participation in industry trade shows that attract tourists or travelers to the area served by the recognized tourist promotion agency.

(v) Programs, expenditures or grants that directly and substantially relate to tourism or a business, convention or meeting travel destination within a county of the second class A, that augment and do not compete with private sector tourism or travel efforts and that improve and expand a county of the second class A as a destination market as deemed necessary by the recognized tourist promotion agency. The following shall apply to grants awarded under this subparagraph:

(A) Grants shall have a cash or in-kind local match of at least 25%.

(B) Grants may not be used for signage that promotes a specific private entity on the situs of the entity, except where the signage carries the logo of a recognized tourist promotion agency.

(vi) Any other tourism or travel marketing or promotion program, expenditure or project that does not compete with private sector tourism or travel efforts as deemed necessary by the recognized tourist promotion agency.

(2) For the purposes of defraying the costs associated with the collection of the tax imposed under this section and otherwise performing their obligations under this section, the county commissioners of a county of the second class A may deduct and retain an administrative fee from the taxes collected under this section. The administrative fee shall be established by the county of the second class A and shall not exceed 4% of the taxes collected in any taxable year.

(3) As determined by a county of the second class A in consultation with the recognized tourist promotion agency, an audited report or financial statement of the income and expenditures incurred by a recognized tourist promotion agency receiving revenue from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners.

(4) A penalty of 1.5% per month shall be imposed upon the operator of a hotel in a county of the second class A for failure to timely collect and remit the tax authorized by this section. In addition to other remedies available for collection of debts, a county of the second class A may file a lien upon the hotel in the name of the county and for the use of the county as provided by law.

(f) Duration of section.--The following shall apply:

(1) The provisions of this section relating to counties of the second class shall remain in force from year to year. The following apply:

(i) Revenue in excess of amounts needed to pay the distributions under subsection (b)(1), (2), (3) and (4) and to offset operating deficits under subsections (b)(3) and (d) shall be determined by the public authority and may be accumulated.

(ii) At the discretion of the cooperating political subdivisions and the public authority, any revenue may be used to:

(A) provide part or all of an annual payment to be paid by a county or a political subdivision under an agreement with a public authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law, which has been designated as the operating agency for a convention center or exhibition hall; or

(B) effect necessary expansion or further capital improvements.

(2) The provisions of this section relating to counties of the second class A shall remain in force and effect for three years from February 14, 1986, and may be continued thereafter by ordinance or resolution of the county commissioners of the respective counties.

(g) Concurrent tax years.--Each taxable year for a tax imposed under this section shall run concurrently with the calendar year.

(h) Definitions.--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:

"Cabin." A permanent structure with beds and running water that is located on a campground on State land or private property and is available to provide overnight lodging for consideration to persons seeking temporary accommodations. The term does not include a yurt or walled tent.

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

"Convention center or exhibition hall." A building or series of buildings:

(1) at least one of which contains a minimum of 75,000 gross square feet of exhibition space for shows and conventions;

(2) which are not used for the retail sale of merchandise or part of any shopping center, mall or other retail center; and

(3) a major function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations and similar gatherings. The term includes land appurtenant to the building or buildings.

"Cooperating political subdivision or agency of government."
A city or public authority located in a county:

(1) within the boundaries of which a convention center or exhibition hall is planned or constructed; and

(2) which shares with the county duties, obligations or privileges with respect to that convention center.

"Hotel." A hotel, motel, inn, guest house, rooming house, bed and breakfast, homestead 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; any place recognized as a hostelry or any cabin. The term does not include any of the following:

(1) A charitable institution.

(2) A portion of a facility that is devoted to persons who have an established permanent residence.

(3) A college or university student residence hall currently occupied by students enrolled in a degree program.

(4) An educational or religious institution camp for children, including a camp registered under the act of November 10, 1959 (P.L.1400, No.497), entitled "An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties."

(5) A hospital.

(6) A nursing home.

(7) Part of a campground that is not a cabin.

"Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating to definitions), a township or borough or a home rule municipality which was formerly a township or borough.

"Occupancy." The use or possession or the right to the use or possession by any 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.

"Operating deficit." The excess of expenses over receipts from the operation and management of a convention center or exhibition hall.

"Operator." Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons that 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 that pays the consideration for the occupancy of a room in a hotel.

"Permanent resident." An individual who has occupied or has the right to occupancy of a room in a hotel as a patron or otherwise for a period exceeding 30 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 a county and certified by the county pursuant to the act of July 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

"Regional tourist promotion activities." Services, activities, facilities and events which result in a significant

number of nonresidents visiting a county of the second class for recreational, cultural or educational purposes.

"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.

"Substantial completion." Construction which 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:

(1) the main convention area can be used, occupied or operated for its intended use; and

(2) at least 90% of the work on the main convention or exhibition area is complete.

"Temporary." A period of time not exceeding 30 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 express or an implied contract.

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

Cross References. Section 17509 is referred to in section 101 of this title.

APPENDIX TO TITLE 16 COUNTIES

Supplementary Provisions of Amendatory Statutes

2024, May 8, P.L.50, NO.14

§ 6. Continuation of prior law.

The amendment or addition of 16 Pa.C.S. Pts. I, II, III and IV is a continuation of the act of August 9, 1955 (P.L.323, No.130), known as The County Code. The following apply:

(1) Except as otherwise provided in 16 Pa.C.S. Pts. I, II, III and IV, all activities initiated under The County Code shall continue and remain in full force and effect and may be completed under 16 Pa.C.S. Pt. I, II, III or IV. Orders, regulations, rules and decisions which were made under The County Code and which are in effect on the effective date of section 5(2) of this act shall remain in full force and effect until revoked, vacated or modified under 16 Pa.C.S. Pts. I, II, III and IV. Contracts, obligations and collective bargaining agreements entered into under The County Code are not affected nor impaired by the repeal of The County Code.

(2) Except as provided in paragraph (3), any difference in language between 16 Pa.C.S. Pts. I, II, III and IV and The County Code is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial

construction or administration and implementation of The County Code.

- (3) Paragraph (2) shall not apply to the following:
- (i) The addition of 16 Pa.C.S. § 12305(d).
 - (ii) The addition of 16 Pa.C.S. § 12309.
 - (iii) The addition of 16 Pa.C.S. § 14931(b)(2).
 - (iv) The addition of 16 Pa.C.S. § 15102(1).
 - (v) The exclusion of section 1951 of The County Code.
 - (vi) The addition of 16 Pa.C.S. § 17315.
 - (vii) The addition of 16 Pa.C.S. § 17345.

Explanatory Note. Act 14 amended, added or repealed Parts I, II, III and IV of Title 16.