

No. 2000-142

AN ACT

SB 1154

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," providing for insurance and other employee benefits; further providing for hotel occupancy taxes, for hotel room tax in sixth class counties, for office hours and for delivery of tax duplicates; and further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

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

Section 1. The act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended by adding a section to read:

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

Section 2. Section 1770.2 of the act, added June 18, 1997 (P.L.179, No.18), is amended to read:

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

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

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. After deducting from the fund any direct or indirect costs attributable to collection of the tax, the county shall distribute to the recognized tourist promotion agency

designated to act within the county all revenues received from the tax not later than sixty days after receipt of the tax revenues. [The] *Two-thirds of the revenues from the special fund shall be used by the recognized tourist promotion agency to directly fund countywide tourist promotion. One-third of the revenues from the special fund shall be used by the recognized tourist promotion agency for the purposes of tourism, convention promotion and tourism development.*

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

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

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

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

“County.” Any county which is on the effective date of this act a county of the third class having a population under the 1990 Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents, or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 374,000 residents, but less than 380,000 residents, or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 415,000 residents, but less than 500,000 residents, or a county of the fourth class having a population under the 1990 Federal Decennial Census in excess of 159,000 residents, but less than 175,000 residents, or a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 123,000 residents, or a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of 117,000 residents, but less than 121,050 residents, or a county of the sixth class having a population under the 1990 Federal Decennial Census in excess of 87,000 residents.

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

private campground, or any cabins, public campgrounds or other facilities located on State land.

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

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

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

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

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

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

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

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

Section 3. Section 1770.5 of the act, added June 25, 1999 (P.L.182, No.25), is amended to read:

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

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose

by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

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

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

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

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

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

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

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

(c.1) The disposition of the revenues from the special fund attributable to the levy of the third per centum of the tax, if levied, shall be distributed at the discretion of the county commissioners and used solely for tourism and regional promotion purposes.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax from the entity or agency designated by the county commissioners to collect and to enforce the collection of the tax and shall deposit the revenues received from the tax in a special fund established for that purpose.

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

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

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

“Debt service on bonds.” Any cost related to the issuance, refinancing, refunding or payment or any other costs associated with the issuance and maintenance of bonds or notes by an authority or a city of the third class.

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

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

“Operator.” An individual, partnership, nonprofit or profit-making association or corporation, or other person or group of persons who maintains, operates, manages, owns, has custody of or otherwise possesses the right to rent or lease overnight accommodations in a hotel to the public for consideration.

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

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

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

“Tourist Promotion Agency (TPA).” An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county’s TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the “Tourist Promotion Law.”

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

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

Section 4. The act is amended by adding sections to read:

Section 1770.6. Authorization of Hotel Tax.—(a) Except as provided for in section 1770.7, the county commissioners of any county may impose an excise tax on the consideration received by each operator of a hotel, as defined by this section, from each transaction of renting a room or rooms to accommodate transients. If levied, the tax shall be collected by the operator from the patron of the room and paid over to the county and shall be known as the hotel room rental tax.

(b) The rate of the tax imposed under this section shall not exceed three per centum.

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. Subsequent to the deduction for administrative costs established in subsection (e), the county shall distribute to the recognized tourist promotion agency all revenues received from the tax not later than sixty days after receipt of the tax revenues. The revenues from the special fund shall be used by the recognized tourist promotion agency for the purposes of tourism, convention promotion and tourism development.

(d) Each tax year for any tax imposed hereunder shall run concurrently with the county’s fiscal year.

(e) For the purposes of defraying the costs associated with the collection of the tax imposed hereunder and otherwise performing its obligations under this section, the county is hereby authorized to deduct and retain an administrative fee from the taxes collected hereunder. Such administrative fee shall be established by the county but shall not exceed in any tax year the lesser of:

(1) two per centum of all taxes collected hereunder; or

(2) forty thousand dollars (\$40,000), which amount shall be adjusted biannually, beginning two years after the date of enactment, by the percentage growth in the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor.

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

“Bed and breakfast” or “homestead.” A public accommodation consisting of a private residence, which contains ten or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

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

“County.” Any county of the third class through the eighth class which on the effective date of this section does not have the authority to levy a hotel occupancy or room rental tax.

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

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

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

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

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

“Recognized tourist promotion agency.” The nonprofit corporation, organization, association or agency which is engaged in planning and

promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within counties served by the agency as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

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

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

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

"Treasurer." The elected treasurer of the county or, if there is no elected treasurer of the county, such other official or agent of the county as may be designated by the county to collect and account for the tax authorized by this section.

Section 1770.7. Authorization of Three Per Centum Hotel Tax.—(a) The county commissioners of any county of the sixth class having a population under the 1990 Federal Decennial Census in excess of 78,250 residents, but less than 79,000 residents, may impose a hotel tax not to exceed three per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

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

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund which is to be established by the county's legally sanctioned and duly designated Tourist Promotion Agency (TPA). The disposition of the revenues from the TPA hotel tax fund shall be as follows: seventy-five per centum of all revenues received per annum shall be used by the TPA for the promotion, advertising and marketing of tourism and special events and for administrative costs. Twenty-five per centum of all revenues received per annum shall be used by the county commissioners for the purpose of economic development, historic preservation and grants to local municipalities having police departments. Any fees for administering the collection and distribution of the tax shall be negotiated by the TPA and the county commissioners.

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose.

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

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

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

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

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

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

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

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

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

“Tourist Promotion Agency (TPA).” An organization, agency or corporation designated to be such by the board of commissioners as of January 1, 2000, of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county’s TPA

in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

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

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

Section 4.1. Section 1782.2 of the act, added December 14, 1967 (P.L.831, No.357), is amended to read:

Section 1782.2. Delivery of Tax Duplicates.—(a) The county commissioners shall within thirty days after the adoption of the budget make out and deliver the duplicates of taxes assessed to the respective tax collectors together with their warrant for the collection of the same.

(b) *Notwithstanding the provisions of subsection (a), the county commissioners shall have the option to make out and deliver the duplicates of taxes assessed to the respective tax collectors together with their warrant for collection of the same no later than the final date for a school district to make out and deliver the duplicates for school real estate taxes under section 682 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949." The option authorized by this subsection may be exercised only if the county commissioners find that exercise of the option will result in cost savings compared to proceeding under the deadline imposed by subsection (a) and they adopt a resolution that refers to the finding.*

Section 5. Section 1801 of the act, amended July 10, 1990 (P.L.379, No.89), is amended to read:

Section 1801. Commissioners Sole Contractors for County.—(a) The county commissioners shall contract for and purchase all services referred to in section five hundred eight and personal property for county officers and agencies. All contracts and purchases not in excess of ten thousand dollars (\$10,000) shall be by note or memorandum, in writing, signed by the county commissioners, or their [agent] *designee*. A copy of all such notes and memorandums and all written contracts shall be filed in the office of the controller, if any, and, if not, then with the chief clerk of the commissioners.

(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction,

reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The commissioners shall, where possible, anticipate the needs of the various officers, **[and] agencies and operations** of the county and endeavor to purchase in wholesale quantities, where practicable and where savings could be achieved thereby. The commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.

Section 6. Section 1802 of the act, amended or added September 21, 1959 (P.L.921, No.369), October 4, 1978 (P.L.1033, No.232), July 10, 1990 (P.L.379, No.89), November 29, 1990 (P.L.571, No.144) and June 18, 1998 (P.L.515, No.72), is amended to read:

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.—(a) All contracts for services and personal property where the amount thereof exceeds the sum of ten thousand dollars (\$10,000), shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

(b) Contracts or purchases in excess of ten thousand dollars (\$10,000), except those hereinafter mentioned[,] **and except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received,"** shall not be made except with and from the lowest responsible **and responsive bidder submitting a bid in conformity with the specifications approved by the board of commissioners for the contract or purchase**, after due notice in one newspaper of general circulation, published or circulating in the county, at least **[three] two** times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. The requirements of this subsection need not be followed in cases of emergency, but in such cases the actual emergency shall be declared and stated by resolution of the commissioners.

(c) All bids shall be received by the controller, or if there be no controller, then by the chief clerk of the county commissioners, in sealed envelopes[, **and shall be opened in the presence of the controller, or chief clerk as the case may be, by the commissioners and the contract awarded thereon.** *Bids shall be opened publicly at a time and place specified in the advertisement for bids, in the presence of the controller, or chief clerk as the case may be, by the commissioners or their designee.* The controller, or the chief clerk as the case may be, shall keep a record of

all such bids and awards, and the controller shall certify no [voucher] checks for contracts not made agreeably thereto.

(d) The amount or price of the contract shall, in all cases whether of straight sale price, conditional sale, [bailment] lease, *lease purchase* or otherwise, be the entire amount which the county pays to the successful bidder, or his assigns, *less the value of personal property transferred from the county to the bidder, or his assigns, at any time during the duration of the contract*, in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title, or to receive any other particular benefit or benefits of the whole bargain. *The value of personal property transferred to the bidder or his assigns upon execution of the contract shall be specified in the bid. The method of determining the value of personal property transferred to the bidder or his assigns at a time during the duration of the contract shall be specified in the bid and shall be determined using generally accepted valuation methods.*

(e) The acceptance of bids by advertising required herein *shall be made by the commissioners and* shall only be made by public announcement at the meeting at which bids are opened, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are so opened. If for any reason the award is not made at either of the above meetings, the same business may be transacted at any subsequent meeting, the time and place of which shall have been announced at the previous meeting held for such award. [At such third meeting, the commissioners shall either award the contract or shall reject all bids.] *The contract shall be awarded, or all bids shall be rejected, within thirty days of the opening of the bids, except for bids subject to 62 Pa.C.S. (relating to procurement). Thirty-day extensions of the date for the award may be made by the mutual written consent of the commissioners and any bidder who wishes to remain under consideration for award. The commissioners shall excuse from consideration any bidder not wishing to agree to a request for extension of the date for the award and shall release such bidder from any bid bond or similar bid security furnished under subsection (f).* All contracts shall be filed with the controller, or with the chief clerk as the case may be, immediately after their execution.

(f) [All bids advertised for shall be accompanied by cash, by a certified good faith check or by a cashier's check drawn upon a bank authorized to do business in this Commonwealth, in an amount required by the commissioners but not less than ten per centum of the bid, or by a bond with corporate surety in such amount as the commissioners shall determine, but not less than ten per centum of the amount bid.] *The commissioners may require that any bids advertised be accompanied by cash, by a certified check, cashier's check, bank good faith check or other irrevocable letter of credit in a reasonable amount drawn upon a bank authorized to do business in this Commonwealth or by a bond with*

corporate surety in a reasonable amount. Whenever it is required that a bid be accompanied by cash, certified check, cashier's check, bank good faith check or other irrevocable letter of credit or bond, no bid shall be considered unless so accompanied. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to [a bond] *security* guaranteeing the performance of the contract, the [good faith deposit by cash, certified check, cashier's check or bond] *security furnished under this subsection* shall be forfeited to the county as liquidated damages.

(g) The successful bidder, when [advertising] *a formal bid* is required herein, [shall] *may* be required to furnish a bond *or irrevocable letter of credit or other security in an amount sufficient to the commissioners* guaranteeing performance of the contract[, with sufficient surety in the amount of fifty per centum of the amount of the contract] within thirty days after the contract has been awarded, unless the commissioners shall prescribe a shorter period. *The successful bidder for a contract which involves the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind shall furnish security as provided in section 2318 of this act. Performance security for services and contracts for labor and materials delivered on a periodic basis, including, but not limited to, food service contracts, home health services and janitorial services and supplies, may be computed on the expected average value for one or more months at the discretion of the commissioners.* Upon failure to furnish such [bond] *security* within the time fixed, the previous awards shall be void. [The above mandatory provisions of this subsection shall not apply to contracts for the purchase of motor vehicles or other pieces of equipment but shall apply only to contracts which involve the furnishing of labor and materials.] Deliveries, performances and guarantees may be required in all cases of expenditures, including the exceptions herein.

(h) The contracts or purchases made by the commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the county where they do not constitute new additions, extensions or enlargements of existing facilities and equipment. [A bond] *Security* may be required by the commissioners as in other cases for work done.

(2) Those made for improvements, repairs and maintenance of any kind, made or provided by the county through its own employees. This shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by the commissioners, which are patented and manufactured or copyrighted products.

(4) Those involving any policies of insurance or surety company bonds, those made for public utility service [**under tariffs on file with the Pennsylvania Public Utility Commission**] *and electricity, natural gas or telecommunication services, provided that, in the case of utilities not under tariff with the Pennsylvania Public Utility Commission, contracts made without advertising and bidding shall be made only after receiving written or telephonic price quotations in accordance with the procedures specified in section 1801(b) of this article.*

(5) Those involving services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional [**expert advice**] *expertise.*

(6) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the county, operated by the county or affiliated with the county by the purchasing of, or participating in contracts for, materials, supplies and equipment.

(7) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) shall not apply when a county purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following:

- (i) the Federal Government;
- (ii) the Commonwealth of Pennsylvania;
- (iii) any other state;
- (iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or
- (v) an agency of the Federal Government, the Commonwealth or any other state.

(8) *Those exclusively involving construction management services.*

(9) *Those involving computer software.*

(i) [**Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."**] *Notwithstanding the provisions of this article to the contrary, the county commissioners shall have authority to enter into contracts for equipment and services related to technology and information systems on the basis of best value procurement. Contracts under best value procurement shall be made only after the county has solicited proposals based on performance and outcome specifications developed by the county and describing at minimum the objectives to be met by the system, the tasks to be performed by the system, the users of the system, system security issues, the time frame for*

system implementation, potential operating technologies, compatibility with existing systems, training and maintenance and shall indicate the process by which the contract shall be awarded. Best value procurement shall not require a sealed bid process and shall permit the commissioners to negotiate the terms of the agreement with any responsive and responsible vendor.

(j) Every contract subject to this article shall comply, as applicable, with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act," the act of October 28, 1983 (P.L.176, No.45), known as the "Antibid-Rigging Act," the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967," the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," the act of November 26, 1978 (P.L.1309, No.317), known as the "Public Works Contract Regulation Law," the act of February 17, 1994 (P.L.73, No.7), known as the "Contractor and Subcontractor Payment Act," the act of January 23, 1974 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal Law, and the act of April 4, 1984 (P.L.193, No.40), known as the "Motor Vehicle Procurement Act."

Section 7. Section 1805 of the act, amended July 31, 1963 (P.L.372, No.200), is amended to read:

Section 1805. Sales of Personal Property and Surplus Farm Products.—(a) No personal property of the county and no surplus farm products of counties of the fourth, fifth, sixth, seventh or eighth classes shall be disposed of by sale or otherwise, except upon resolution of the commissioners. When the commissioners approve a sale of such property or in counties of the fourth, fifth, sixth, seventh or eighth classes of farm products, they shall estimate the sale value of the entire lot to be disposed of, and, if the estimate be less than [two hundred dollars (\$200)] *one thousand dollars (\$1,000)*, they shall require notice of the proposed sale to be posted, for at least ten days, in a prominent place in the court house, describing and itemizing the property to be sold, and directing that bids may be made thereon at the office of the chief clerk of the commissioners. Thereafter, the commissioners may sell such property in whole or in part for the best price or prices obtainable.

(b) If the commissioners estimate the sale value of the personal property or of such surplus farm products to be sold at [two hundred dollars (\$200)] *one thousand dollars (\$1,000)* or more, the entire lot shall be advertised for sale, once, in at least one newspaper of general circulation in the county, and sale of the property so advertised shall be made to the highest and best bidder. The bids shall not be opened until at least ten days after the said advertisement. The commissioners may sell any such property at auction, but the provisions as to notice contained in this section shall be likewise observed as to the holding of auction sales. The provisions of this section shall not be mandatory where county property is to be traded-in or

exchanged for new personal property. *The provisions of this section shall not apply to sale of personal property with real property as a single unit pursuant to section 2306.1.*

Section 8. Section 1806 of the act is amended to read:

Section 1806. County Officers Not to Be Interested in Contracts.—[No elected or appointed county officer shall be in any wise, either directly or indirectly, personally interested in any contract to which the county is a party, or in the construction of any public work or improvement made or undertaken under the authority of the county commissioners, or receive any reward or gratuity from any person so interested. No such officer shall purchase directly or indirectly any property sold at a tax or municipal claim sale.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) and may, by decree of the court, be removed from office.] *Restrictions on the involvement of elected and appointed county officers in any county contract shall be as prescribed in 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).*

Section 8.1. Section 2301 of the act, amended July 31, 1963 (P.L.372, No.200), is amended to read:

Section 2301. Title to Real Estate Vested in County.—The title to all court houses, jails, prisons and workhouses, together with the lots of land thereunto belonging or appertaining, and all other real property acquired or that may hereafter be acquired by or for the use of the county, shall be vested in the county for the use of the people thereof and for no other use except as hereinafter provided. [In counties of the fourth, fifth, sixth, seventh and eighth classes, this section shall apply to lands and buildings for the care of dependents and farms.]

Section 8.2. Section 2301.1 of the act, amended June 1, 1972 (P.L.328, No.90), is amended to read:

Section 2301.1. Days and Hours of Court House and Offices.—The county commissioners shall determine when the county court house and all county offices located elsewhere shall be open[, except that voters' registration offices shall be open during ordinary business hours on the two Saturdays prior to termination of registration prior to the primary and general and municipal elections].

Section 9. Section 2303 of the act, amended September 19, 1961 (P.L.1495, No.638), is amended to read:

Section 2303. Insuring Buildings and Contents.—The county commissioners may provide insurance against fire and extended coverage, against public liability and such other forms of insurance, including insurance against burglary, as shall seem proper to them for county lands, buildings and farms and the contents, real and personal, thereof. [The cost of such insurance shall be paid from the general funds of the county.]

Section 10. Section 2304 of the act is amended to read:

Section 2304. Credit of County Available for Grounds and Buildings.—In the acquisition, construction or alteration, as the case may be, of land and buildings for county purposes, the commissioners may issue bonds of the county[**, in accordance with the Municipal Borrowing Law,**] to meet the costs thereof, except as any other system of financing shall be expressly provided by law for any particular county buildings.

Section 11. Section 2305 of the act, amended July 31, 1963 (P.L.372, No.200) and April 29, 1982 (P.L.359, No.100), is amended to read:

Section 2305. Acquiring and Using Real Property; Exceptions.—(a) The county commissioners may purchase for not more than the fair market value, take by gift, devise or by the power of eminent domain, in accordance with the provisions of this act, such real property at the county seat or in such other places[**, as may be authorized by law,**] as they deem necessary for the purposes of a county courthouse, county jail, prison, workhouse, detention house or other county building, [**and in counties of the fourth, fifth, sixth, seventh and eighth classes, lands and buildings for the care of dependents and farms, either in acquisition of a building suitable for such purposes, or in the construction of a new building,**] or in the alteration, including enlargement, of an existing county building. The fair market value of real property in the case of a purchase *valued in excess of ten thousand dollars (\$10,000)* shall be determined by the county commissioners in consultation with [**the county assessor and two licensed real estate brokers**] *two of the following: the county assessor, licensed real estate brokers, or licensed real estate appraisers* doing business within the county. [**Any acquisition of lands and buildings for the care of dependents and farms shall be subject to approval of the Department of Public Welfare as to suitability.**]

(b) The county commissioners may also use any real property at the county seat or elsewhere, as authorized by law, owned by the county, and deemed suitable by them for the purposes aforesaid, except such property as is bound by contract to another public use.

(c) The county commissioners may provide for the grading, filling, draining, gardening and otherwise improving and maintaining of all lands for county buildings, [**and of lands and buildings in counties of the fourth, fifth, sixth, seventh and eighth classes for the care of dependents and farms,**] either by contract or by county employes, as they deem proper.

(d) To the extent that any of the matters provided for herein are otherwise specifically provided for by law, with regard to any particular acquisitions of real property by counties, either by tax sales or by other purchases, this section shall not apply to such matters.

Section 12. Section 2306 of the act, amended November 23, 1994 (P.L.640, No.98), is amended to read:

Section 2306. Authority to Sell or Lease Real Property.—(a) The board of commissioners may sell for not less than the fair market value or lease, either as lessor or lessee, any real property belonging to the county or to

others where the county is lessee. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be advertised together with the description of the land in at least two newspapers, in said county, of general circulation, once a week for three consecutive weeks. The fair market value of real property in the case of a sale *valued in excess of ten thousand dollars (\$10,000)* shall be determined by the county commissioners in consultation with **[the county assessor and two licensed real estate brokers]** *two of the following: the county assessor, licensed real estate brokers, or licensed real estate appraisers* doing business within the county. In the case of any lease of county property hereunder, such property, with any and all improvements or additions thereon or thereto, shall, in the hands of the lessee, be subject to taxation by such county and any other political subdivision therein, in the same manner as other real estate located in the county. Such taxes shall be levied and assessed against and paid by the lessee. This section shall not apply to leases or sales of county property or other property which are otherwise specifically provided for by law.

(b) The provisions of subsection (a) shall not be mandatory where county real property is to be sold to any of the following:

(1) A city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

(2) A municipal authority pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(3) A nonprofit corporation *or limited partnership in which a nonprofit corporation is a general partner and managing agent* engaged in community industrial, *commercial or affordable housing* development *or reuse* for its exclusive use for industrial, *commercial or affordable housing* development. *This exemption shall not apply to property owned and operated by a county or subcontracted or operated on the behalf of a county in order to conduct existing government functions.*

(4) A person for his exclusive use in an industrial development program.

(5) A nonprofit corporation organized as a public library for its exclusive use as a library.

(6) A nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

(7) A nonprofit housing corporation for its exclusive use for housing for the elderly or for low-income housing.

(8) The Federal Government.

(9) The Commonwealth.

When the real property is to be sold or leased to a qualified entity under this subsection, the board of commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold

pursuant to this subsection to any entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to the "Municipality Authorities Act of 1945," located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

Section 13. Section 2311 of the act, amended April 29, 1982 (P.L.359, No.100), is amended to read:

Section 2311. **Disposing of County Property for Other Uses; Demolition[; Court Approvals].**—Whenever any new county building is constructed to replace a county building no longer suitable for the purposes of its use, or whenever the county has or acquires, incident to purchase at tax sale or to any other acquisition of land authorized by law, any building, title and interest to which is in the county, and any such replaced or acquired building is deemed no longer suitable or not suitable for use as a county building or for use as an auxiliary to any county building, the county commissioners may devote said replaced or acquired building to such other public use or purpose as shall be found suitable and proper, including a war memorial. They may convey all or a part of the title and interest of the county in such building, with or without the land or a part of the land upon which it is situate, either by sale or by gift, to any public or charitable institutions or to any political subdivisions singly, in common, or jointly, within the county.

The county commissioners may remove any such building from one location to another within the county, for the purpose of enabling its use as a county building by virtue of its relocation. The commissioners may cause any such building to be demolished and removed from land of the county, if of no use to the county.

Section 14. Section 2316 of the act is amended to read:

Section 2316. **Right to Build on Public Squares.**—Whenever the court house, jail or other building of the county is located upon a public square or common in the city, borough or town then being the county seat, and a new building is authorized and required to be erected, in place of such court house, jail or other building, the board of county commissioners may erect such new building upon any other of the public squares or commons of said city, borough or town, or upon any part thereof[, **if the council of the city, borough or town shall have first consented to such new location for said building**].

Section 15. Section 2318 of the act, amended August 25, 1967 (P.L.279, No.114), is amended to read:

[Section 2318. Additional Bond to Protect Labor and Materialmen on Contracts.—(a) It shall be the duty of every county to require any person, copartnership, association or corporation entering into contract with such county for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of

any kind, whatsoever, where the amount of such contract is in excess of one thousand five hundred dollars (\$1500), before commencing work under such contract, to execute and deliver to such county, in addition to any other bond which may, now or hereafter, be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association or corporation interested, in a sum not less than fifty per centum and not more than one hundred per centum of the contract price, as such county may prescribe. Such bond shall have as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, and shall be conditioned for the prompt payment for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter into and become component parts of the work or improvement contemplated.

(b) Such additional bond shall be deposited with and held by the county for the use of any party interested therein.

(c) Every such additional bond shall provide that every person, copartnership, association or corporation who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who had not been paid therefor, may sue in assumpsit on said additional bond, in the name of the county, for his, their or its use, and prosecute the same to final judgment for such sum or sums as may be justly due him, them or it, and have execution thereon, but the county shall not be liable for the payment of any costs or expense of any suit.

(d) Any contract executed in violation of the provisions of this section shall be null and void.]

Section 2318. Contract Performance Security and Payment Bonds.—(a) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L.869, No.385), known as the “Public Works Contractors’ Bond Law of 1967,” for construction contracts awarded for amounts between twenty-five thousand dollars (\$25,000) and one hundred thousand dollars (\$100,000), the successful bidder shall furnish a bond guaranteeing performance of the contract, in an amount as determined by the commissioners at the time of advertising for bids which shall be not less than ten per centum nor more than one hundred per centum of the amount of the contract, within thirty days after the contract is awarded. When a construction contract is awarded in excess of one hundred thousand dollars (\$100,000), the following bonds shall be delivered to the county and shall be binding on the parties upon the execution of the contract:

(1) A performance bond, executed by a surety company authorized to do business in this Commonwealth and made payable to the county, in an amount as determined by the commissioners at the time of advertising for bids which shall be not less than fifty per centum nor more than one

hundred per centum of the price specified in the contract and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract.

(2) A payment bond, executed by a surety company authorized to do business in this Commonwealth and made payable to the county, in an amount equal to one hundred per centum of the price specified in the contract and conditioned upon the prompt payment for all materials furnished or labor supplied or performed in the prosecution of the work. Labor or materials include public utility services and reasonable rentals of equipment for the periods when the equipment is actually used at the site.

(b) A performance bond shall be solely for the protection of the county. A payment bond shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded or to any of its subcontractors in the prosecution of the work provided for in the contract, whether or not the labor or materials constitute a component part of the construction.

(c) Nothing in this section shall be construed to limit the authority of the commissioners to require a performance bond, payment bond or other security in addition to those bonds or in circumstances other than specified in subsection (a).

(d) Actions on payment bonds shall be pursuant to the following:

(1) Subject to clause (2), any claimant who has performed labor or furnished material in the prosecution of the work provided for in any contract for which a payment bond has been given under subsection (a) and who has not been paid in full before the expiration of ninety days after the day on which the claimant performed the last of the labor or furnished the last of the materials for which it claims payments may bring an action on the payment bond in its own name, in assumpsit, to recover any amount due it for the labor or material and may prosecute the action to final judgment and have execution on the judgment.

(2) Any claimant who has a direct contractual relationship with any subcontractor of the prime contractor who gave the payment bond but has no contractual relationship, express or implied, with the prime contractor may bring an action on the payment bond only if it has given written notice to the contractor within ninety days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which it claims payment, stating with substantial accuracy the amount and the name of the person for whom the work was performed or to whom the material was furnished.

(3) Notice shall be served by registered mail in an envelope addressed to the contractor at any place where its office is regularly maintained for the transaction of business or served in any manner in which legal process may be served in the manner provided by law for the service of a summons except that the service need not be made by a public officer.

(e) The dollar thresholds set forth in subsection (a) shall be adjusted annually to reflect the annual percentage change in the Composite Construction Cost Index of the United States Department of Commerce occurring in the one-year period ending on December 31 of each year.

Section 16. Sections 2319 and 2320 of the act are amended to read:

Section 2319. Compliance with [Workmen's] *Workers'* Compensation Law.—(a) All contracts executed by the board of commissioners, which shall involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the [Workmen's] *Workers'* Compensation Act and any reenactments, supplements or amendments thereto, and that the said contractor will insure his liability thereunder or file with the board of commissioners a certificate of exemption from insurance from the Department of Labor and Industry of the Commonwealth.

(b) The board of commissioners, before signing on behalf of the county any contract requiring in its performance the employment of labor, shall require proof that the said contractor with whom the contract is made shall have accepted the [Workmen's] *Workers'* Compensation Act and any reenactments, supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of said act or that the contractor has had issued to him a certificate of exemption from insurance from the Department of Labor and Industry.

(c) Any contract executed in violation of the provisions of this section shall be null and void.

[Section 2320. **Restrictions on Letting Contracts to Architects and Engineers.**—It shall be unlawful for any architect or engineer in the employ of any county to bid on any public work of such county.

It shall also be unlawful for the officers of any county charged with the duty of letting any public work to award a contract to any such architect or engineer in the employ of the county.

Any person or persons violating these provisions, or any of them, shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit his office, and be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment of not less than six months, or both. Any contract made in violation of this section shall be null and void.]

Section 17. Section 2328 of the act, amended September 19, 1961 (P.L.1476, No.625), is amended to read:

[Section 2328. **Special Provisions Relating to County Jails, Prisons, Workhouses and Detention Houses.**—Except as may be otherwise provided by law for each county jail, prison, workhouse or detention house, the county commissioners shall appoint a superintendent and a matron and such other officers, as they may deem necessary, whose

duties shall be prescribed by the regulations for such institutions and whose salaries shall be fixed by the salary board.

Every such institution which shall be hereafter erected or remodeled shall be so constructed as to reflect the declared objectives and policies of the county with respect to the number, type, length of stay, and program requirements of prisoners to be housed therein. Plans for the construction or remodeling of any county penal facility shall be submitted by the County Commissioners to the Department of Justice for its review and approval.

Commitments to every such institution shall be made as provided by law.]

Section 18. Section 2329 of the act is amended to read:

Section 2329. Disorderly Conduct in and About Court Houses and Jails Prohibited.—It is unlawful for any person to cause any outcry or disorder, or be guilty of any indecent or unbecoming conduct tending to disturb the peace and good order in the county court house, jail, or other county buildings, or to willfully or carelessly defile, deface or injure the floors, walls or any other portion of said buildings, or fences, or railings surrounding the same, or the carpets, furniture, or other articles or things used in or about said buildings, belonging to the county. Any person violating any of the provisions of this section *commits a summary offense and* shall make restitution for damages arising therefrom[, and shall, upon summary conviction thereof, be sentenced to pay a fine not exceeding fifty dollars (\$50). In case such person shall neglect or refuse to pay the same, he or she shall suffer an imprisonment not exceeding thirty days].

Section 19. Section 2339 of the act, amended January 24, 1956 (1955 P.L.929, No.286), is amended to read:

Section 2339. Furnishing Rooms for Meetings of Veterans of Certain Wars and Other Organizations.—The Board of Commissioners may, in their discretion, upon application therefor, furnish to each organization composed of [veterans of the Civil War, Veterans of the Spanish-American War, veterans of the War with Germany and Austria,] veterans of any foreign war, sons of veterans and to ladies' auxiliaries of each such organization and to the American Gold Star Mothers, Inc., a room or rooms in any public building of such county, sufficient for the meeting of each of such organizations at least once each month.

Section 20. Sections 2345 and 2350 of the act are amended to read:

Section 2345. Joining with [City] *Municipalities* in Improving Certain Streets and Highways.—(a) The board of commissioners of counties now erecting or which may hereafter erect public buildings in any [city] *municipality* may[, with the approval of the court or courts of common pleas if there is more than one,] join with the proper authorities of such [city] *municipality* in the grading, regrading, paving, repaving and improvement of so much of the streets and highways as are in, upon or alongside of the grounds upon which said public buildings stand.

(b) The commissioners may enter into contract with any such [city authorities] *municipalities* for the payment of a just proportion of the expense of said grading, regrading, paving, repaving and improvement of said streets and highways, and may appropriate from the county treasury sufficient funds for this purpose. They may act with any committee or committees which may be appointed by such [city authorities] *municipalities* to establish grades, determine the kind and quality of paving materials to be used, and ratify the contracts entered into by said [city authorities] *municipalities* in the course of said improvements.

(c) No obligation shall rest upon the county for any proportion of the expenses of such improvements until the selection of grades and paving materials and the acceptance of bids by said [city authorities] *municipalities* shall have been ratified by the board of commissioners [and approved by the court or courts of common pleas].

Section 2350. Appropriations for Comfort Stations.—(a) The board of county commissioners may appropriate moneys to assist any [city or borough, being the county seat, or any city or borough therein having a population of ten thousand or more inhabitants,] *municipality* to construct and maintain comfort stations within the boundaries of the county.

(b) The county commissioners, in cooperation with the municipal authorities of the municipality wherein the court house lies, may provide, and equip and maintain in the court house rest or waiting rooms for the public, and provide attendants therefor. The cost of providing such rooms and of maintaining the same, including salaries, and all incidental expenses, shall be paid by the county and by the municipality, as they shall agree, for all which purposes the county commissioners and said authorities may, respectively, appropriate moneys.

(c) Any part of any ground acquired by any county for the purposes of a court house, jail or workhouse may be leased by such county to any municipality being the county seat of such county, for the purpose of the construction thereon of a public comfort station by such municipality.

Section 21. Section 2355 of the act, amended January 31, 1956 (P.L.975, No.302), is amended to read:

Section 2355. Monuments and Memorials to War Veterans.—The board of commissioners may appropriate money for, and provide for, the erection of monuments or memorials, commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war in which the United States has been or may hereafter be engaged. [The style and character of such monuments or memorials shall be approved by the State Art Commission.]

Section 22. Section 2356 of the act is amended to read:

Section 2356. Assistance to Private or Municipal Agencies.—The board of commissioners may, in order to prevent duplication, appropriate money to assist any individual, private corporation, city, borough, town or

township, in the erection of any monument or memorial for said soldiers, sailors and marines. **[Before any such appropriation is made, the style and character of such monument or memorial shall be approved by the State Art Commission.]**

Section 23. Section 2362 of the act, amended June 19, 1961 (P.L.465, No.233) and June 6, 1963 (P.L.90, No.63), is amended to read:

Section 2362. Plan of Hall; Special Rooms to be Provided.—(a) Such memorial hall shall be in honor of the soldiers, sailors and marines from said county, who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room, or auditorium for public meetings of the soldiers, sailors and marines of such county, which may be used also for other public meetings and patriotic gatherings by the consent of the board of control herein provided for.

(b) Such memorial hall shall also contain rooms for meetings of **[Posts of the Grand Army of the Republic, encampments of the Union Veterans Legion, commanders of the Loyal Legion, camps of the Sons of Veterans, Women's Relief Corps, Ladies of the Grand Army of the Republic, chapters of the Daughters of the Revolution, the American Gold Star Mothers, Inc., Organizations of the Spanish-American War and Philippine Insurrection, the American Legion, Veterans of World War I of the U.S.A., Inc., Veterans of Foreign Wars, Italian American War Veterans of the United States, Incorporated, Disabled American Veterans, Military Order of the Purple Heart and]** organizations of veterans of all **[other]** wars in which the United States has or may be engaged, and also rooms for meetings of ladies' auxiliaries of posts, encampments, camps and organizations for which rooms for meetings may be contained in the memorial hall, and also rooms for such committees of public defense and welfare as may be created by the Commonwealth, or as may be approved by the board of control hereinafter provided for.

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged, photographs, paintings and portraits, busts and statues of the soldiers, sailors and marines of the said counties, and mural tablets upon which shall be inscribed the names of such soldiers, sailors and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

Section 24. Section 2363 of the act, amended August 12, 1959 (P.L.701, No.240), is amended to read:

Section 2363. Board of Control.—(a) A board of control is hereby created, which shall have charge of all matters relating to such memorial hall and shall have the care thereof. The board shall be composed of **[one member chosen by members of camps of Spanish-American War Veterans,]** one member chosen by members of the Veterans of Foreign Wars, one member chosen by members of the American Legion, one

member chosen by the American War Veterans of World War II (AMVETS), one member chosen by the Italian American War Veterans of the United States, Incorporated, one member chosen by the Disabled American Veterans, and one member chosen by the Military Order of the Purple Heart. The judges of the court of common pleas and the board of commissioners shall be ex-officio members of the board of control. The selected members of the board shall serve one year, when their successors shall be selected. Vacancies occurring shall be filled by the board for the unexpired term of the member whose death, resignation or removal caused the vacancy.

(b) This section shall not apply to any county in which there has been created by existing law a similar board of control, and any references to the board of control in this subdivision shall be inapplicable in so far as they are inconsistent with the provisions of such law.

Section 25. Sections 2366, 2368, 2370, 2390, 2601, 2608, 2611, 2631, 2637, 2638 and 2639 of the act are amended to read:

Section 2366. Tax Levy; Increase or Indebtedness.—The board of commissioners may provide the funds with which to pay for the ground purchased or condemned, and the erection thereon of a memorial hall, or the acquiring of additional land, or for the enlarging, equipping, furnishing and decorating of said memorial hall, by the levying and collecting of a tax upon the taxable persons and property within said county, and by increasing the indebtedness of said county according to law and by issuing and selling bonds. **[Such bonds shall be issued in accordance with the provisions of the Municipal Borrowing Law.]**

Section 2368. Acquiring of Property.—(a) Counties shall have power to take, by gift, purchase, by the issuance of bonds or otherwise, or acquire through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings and monuments.

All proceedings for the condemnation of any property, under the provisions of this section, shall be in the manner and subject to the restrictions and procedure provided by law.

(b) Counties may appropriate money from the public funds or by issuance of bonds, **[in accordance with the Municipal Borrowing Law,]** for the erection on said property taken, purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings and monuments. They may appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings and monuments.

[Section 2370. Consent of City or Borough.—No county shall acquire any property for, or erect any such public auditorium, library, memorial building or monument within the limits of any city or borough, except the county seat, without the consent of the corporate authorities of such city or borough.]

Section 2390. Authority to Provide; Approval.—The county commissioners of each county may[, **upon presentment of two successive grand juries of the county,**] buy or lease land and construct and maintain thereon, at the expense of the county, a morgue for the reception and care of the bodies of all unclaimed deceased persons upon whom it may be necessary to hold a coroner's inquest and such other bodies as the coroner of the county may, by written order, direct to be received therein. The location of such morgue shall be determined by the county commissioners, subject to the approval of [**a judge of the court of common pleas and**] the coroner of the county.

Section 2601. Authority to Provide Bridges, Viaducts and Culverts; Definitions; Application of Article.—(a) The county commissioners of any county may locate, lay out, open, construct, reconstruct, widen, straighten, extend, otherwise alter, replace, remove and in all other respects provide for bridges and viaducts over streams and other topographical impediments to public traffic, as parts or adjuncts of the roads within the county for vehicles and pedestrians or for pedestrians only, and culverts within the county or partly within and partly without the county, in accordance with the procedures and requirements established by the provisions of this article. The provisions of this section and of this article shall apply equally to all necessary approaches, abutments, slopes, walls, embankments, fills, piers and other things pertaining to bridges, viaducts and culverts as to the bridges, viaducts and culverts themselves.

(b) As used in this article "streams" include streams, rivers, creeks, ponds, lakes and all other such natural waters; "road" includes roads, streets, highways, lanes, alleys and all other such public thoroughfares; and "bridge" shall for the purpose of convenience include the bridges, provided for in this article, and also the viaducts and culverts and all things pertaining to such bridges, viaducts and culverts wherever such meanings may reasonably be intended.

(c) The provisions of this article shall not apply to any matters relating to such county bridges, viaducts or culverts as are covered and to the extent they are covered by the provisions of the State Highway Law, or of any other law vesting in the Secretary or Department of [**Highways**] *Transportation* and the various counties of the Commonwealth, rights, powers and duties. The terms of the foregoing limitation shall apply as well in the case of the Public Utility Law and the Public Utility Commission.

(d) No county shall, in the exercise of any authority or duty conferred in this article, enter upon any road or property of any city or borough of, or adjacent to the county, or act in derogation of the lawful authority of any such political subdivision, except with the proper consent of such political subdivision.

(e) No bridge provided for by this article shall obstruct any canal or railroad, and nothing in this article shall be deemed to release any railroad or other public utility from the requirements of existing law.

[Section 2608. **Materials Taken From Adjoining Lands.**—The contractor or the county commissioners in building any bridge may enter upon lands and enclosures near the place where such bridge is to be built for the purpose of searching for and procuring the materials necessary for the construction of the bridge, when the materials cannot conveniently be obtained by contract at reasonable prices. In exercising such right, the contractor or county shall do no unnecessary damage to the land, and shall repair any breaches of fences which it shall make. If the contractors or the county commissioners and the owner of such materials cannot agree upon the sum to be paid for the damages which may be done by the taking of such materials, such damages shall be ascertained and awarded as in the case of eminent domain proceedings.]

Section 2611. **Authorization to Contract with [City or Borough] Municipality for Sharing of Certain Costs.**—When any bridge is proposed to be located in any [city or borough] *municipality*, the county may enter into an agreement with such [city or borough] *municipality* providing that the [city or borough] *municipality* shall bear a portion of the cost of the location, laying out, opening, construction and maintenance of such bridge or that the [city or borough] *municipality* shall provide or maintain the approach thereto within the [city or borough] *municipality* or bear the costs of property damages of said approach. Every such agreement shall be entered into in writing and at least one executed copy thereof shall be furnished to each party thereto. Every such bridge shall be a county bridge and the duty of maintaining the same, except as otherwise herein provided, shall devolve upon the county. The expense thereof shall be provided out of any county funds authorized for use in the maintenance of county bridges.

Section 2631. **Providing and Maintaining Dykes, Banks, Causeways and Sluiceways for Protection of Bridges and Highways.**—Any county, for the purpose of protecting any county bridge, the abutments thereof and approaches thereto, and any public highway adjacent to the same from the incursions of the tide floods or waters of any stream, and to prolong the life of any structure, may provide and maintain dykes, banks, causeways and sluiceways over or across any unnavigable stream, and may secure a right of way for the proper ingress thereto and egress therefrom. In connection with the exercise of such authority, the county may take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law. No change in an existing stream channel under the provisions of this subdivision shall be undertaken until it has been approved by the Department of [Forests and Waters] *Environmental Protection*.

[Section 2637. **Repair of Bridges, Viaducts and Subways When Liability for Such Repairs is in Doubt.**—Whenever any bridge, viaduct or subway carrying a public highway over or under a railroad, street railway or other highway in any county is out of repair, and an

application has been made to the Public Utility Commission to compel the repair thereof from which proceedings it appears that there is a contest between or among political subdivisions or between or among political subdivisions and public utilities as to the liability for such repair, and that the cost thereof is not in dispute, the petitioner or petitioners or any other person or corporation interested may forthwith apply to the commissioners of the county for the prompt repair thereof.

Such application shall be made by serving, upon the county commissioners, a certified copy of the petition and each of the answers on file before the Public Utility Commission. After such service, the county commissioners may take such steps as may be necessary to repair the bridge, viaduct or subway and make it safe for public travel.

Section 2638. Contributions Towards Work.—Should the county commissioners find it impracticable to make any or all such repairs with county funds, they shall so notify the complainant in the proceedings instituted before the Public Utility Commission. Thereupon, any persons, including the county interested in having such repairs made, may contribute to a fund to be deposited with the county treasurer for the purpose of making said repairs. When the fund becomes sufficient for said purpose, the commissioners shall take the necessary steps to place said bridge, viaduct or subway in repair and safe for public travel. The repairs may be made partly from such contributions and partly from public funds, if the commissioners find it expedient so to do.

Section 2639. Collection of Costs of Repairs; Return of Contributions.—The cost of such repairs shall be kept by the commissioners in an open account until there has been a final adjudication of the proceedings before the Public Utility Commission, whereupon the amount so expended, together with ten per centum of said amount to cover the cost of supervision of the work, shall be collected as awards of the Public Utility Commission are collected, and shall be paid into the county treasury. Thereupon, any contributions which may have been made under the provisions of the section immediately preceding shall be returned to the respective contributors.]

Section 26. Sections 2650, 2653 and 2654 of the act, amended May 1, 1981 (P.L.25, No.11), are amended to read:

Section 2650. Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.—(a) Whenever the construction of any new bridge, or of any bridge to replace any existing bridge, over a stream, or over or under a railroad, and forming part of any road in any city, borough, town or township, or between any two or more such political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, and if it shall appear to the commissioners of the county that such bridge is necessary, and

would be too expensive for such political subdivision or adjoining political subdivisions to bear, it may, at the discretion of the county commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed [**one thousand five hundred dollars (\$1500)**] *ten thousand dollars (\$10,000)*, the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated.

Section 2653. Contract for Parts of Municipal Bridges Where County Might Have Built Bridge.—(a) Where a city of the third class, a borough or a township [**of the first class**] is authorized to construct a bridge or viaduct over a stream or other place over which the county is authorized to build bridges and such political subdivision is authorized to contract with the county and with railroads, street railways and other companies or parties interested for the building and maintenance of such bridge or viaduct and for the payment of any damages caused by the location or building thereof, the county commissioners may contract with such city, borough or township for that part or portion of the bridge which crosses any of the places hereinbefore mentioned, including the abutments and piers thereof. Such part shall thereafter be maintained as a county bridge.

(b) In lieu of the contract above provided for, the county commissioners may contract for any part or portion of the whole structure equal to or greater than the part or portion which the county might have built.

(c) The contracts provided for in this section may stipulate that the county shall pay a certain portion of the whole contract price or cost of the work, including damages, or may stipulate that the county shall construct or pay for the construction of a certain part of the work, and may otherwise provide for the payment of the damages. The amount to be paid by the county shall be paid directly to the contractor as may be provided by the contract.

Section 2654. Joining With [**City**] *Municipality* in Another County in Building or Rebuilding Bridge.—When any bridge or proposed bridge is on the dividing line between two counties which is also the dividing line between one county and a [**city**] *municipality* in the other county and such [**city**] *municipality* has authority to build or rebuild such bridge or to join with any county therein, said county may join with said [**city**] *municipality* in the other county in building or rebuilding such bridge. The cost of such

bridge shall be paid in such proportions as shall be agreed upon by the county and [city] *municipality* so joining.

Section 27. Section 2655 of the act is amended to read:

Section 2655. Aiding [City] *Municipality* in Constructing Bridge Over Ravine or Valley.—Whenever different parts of any [city or any part of such city and any township bordering thereon] *municipality or any two municipalities* are separated by an intervening valley or ravine, and the commissioners of the county in which such [city is] *municipality or municipalities are* located shall decide it necessary that a public bridge, to connect the territories thus separated, be constructed [and that such bridge will be of substantial advantage and benefit to the people of the township bordering thereon or townships adjacent thereto], such county may contract with such [city] *municipality or municipalities* for the laying out and construction of such bridge by such [city] *municipality or municipalities*, and may pay to the [city] *municipality or municipalities* such portion of the cost thereof as the county commissioners shall deem reasonable.

Section 28. Section 2656 of the act, amended May 1, 1981 (P.L.25, No.11), is amended to read:

Section 2656. Entry of [Borough or Township] *Municipal* Bridge on Record as County Bridge.—Whenever a public bridge has been built or maintained by any [borough or township] *municipality*, [or both,]¹ or by any two [boroughs or two townships, or any of them] *municipalities*, and it shall afterwards appear to the commissioners that the care, maintenance and responsibility of said bridge is greater than it is reasonable that the said political subdivisions should bear, the commissioners may enter such bridge upon record as a county bridge, and it shall thereafter be a county bridge in the same manner as if it had originally been so entered on record, if the proper local authorities having the maintenance, supervision and control of such bridge shall tender the same to the said county commissioners free and without charge.

Section 29. Sections 2657 and 2658, amended May 1, 1981 (P.L.25, No.11), and sections 2659, 2660 and 2661 of the act are amended to read:

[Section 2657. Acquisition of Toll Bridges by Purchase or Condemnation.—(a) The county may purchase or acquire any toll bridge situated within the county which is necessary for the accommodation of public travel and on which the payment of tolls is burdensome to the traveling public, together with the approaches and appurtenances thereto as herein provided.

(c) The commissioners of the county may purchase the bridge with the approaches and appurtenances thereto, at a price to be agreed upon by the commissioners and the owner of the bridge, or, upon failure to agree upon a purchase price, the county commissioners may take the

¹"or both," in enrolled bill.

bridge under eminent domain or condemnation proceedings as provided by law. Thereafter, the bridge shall be entered on record as a county bridge, and shall be controlled, maintained and used as a public bridge.

(d) Such bridge may be freed from tolls at any time thereafter, but in no event later than the time when all debt incurred as a result of the acquisition thereof is extinguished. The county shall at all times have authority to charge tolls or rentals for the use thereof from railway, telephone and telegraph companies and other persons or companies using such bridge for other than ordinary public foot and vehicular travel. Where contracts exist between such persons or companies and the owners of such bridge, such contract shall be preserved for the benefit of the county and shall be assigned thereto.

Section 2658. Contracts with Municipalities for Purchase or Condemnation of Toll Bridges.—Where a political subdivision may purchase, condemn and maintain any toll bridge crossing any stream within its limits and may enter into contracts with the county commissioners whereby the county shall pay a portion of the costs thereof, the county commissioners may enter into such contract upon such terms and conditions as may be agreed upon for the purchase, appropriation or condemnation of such bridge. The contract may stipulate that the political subdivision and the county shall each pay a certain portion of the purchase price and of the damages allowed by any condemnation proceedings, and may also provide for the maintenance and repair of such bridge. The amount to be paid by the county shall be paid into the treasury of such subdivision, and shall be applied solely to the payment for such bridge.

Section 2659. Leasing of Toll Bridges or of Right to Use Same.—(a) Whenever a toll bridge owned or maintained by a bridge company organized and existing under the laws of this Commonwealth shall span a stream in this Commonwealth, and such bridge or any portion thereof is used solely by the public for general highway purposes, or by the public for such purposes concurrently with the use of the same by any railroad company or street railway company engaged as a common carrier, and the commissioners of the county in which such bridge is located shall by resolution declare such bridge or any portion thereof necessary for the accommodation of the public for general highway purposes, and that the payment of tolls on such bridge is burdensome to the public using the same for such purposes, then the county shall have the power to enter into a contract with the bridge company whereby the company may lease to the county such bridge, or such portion thereof as may be used by the public for general highway purposes for the use of the same by the public for said purposes, free from the payment of tolls. Such contract may provide for the payment by the county of such rental for such definite term of years not to exceed

twenty and for such other terms and conditions as may be agreed upon and as the commissioners shall deem reasonable and proper.

(b) As an alternative, the county may enter into lease with such bridge company or corporation providing for the use, during a definite period, not exceeding twenty years, of such bridge or any portion thereof by the public for general highway purposes, free from the payment of tolls during the term of such contract, subject to the concurrent use of such bridge, or any portion thereof, by any railroad company or street railway company engaged as a common carrier and making use of such bridge, or any portion thereof. Such lease shall contain such terms of payment for such use by the public of the bridge or any portion thereof, and such other terms, provisions and conditions as may be agreed upon, and as the county commissioners shall deem reasonable and proper. No tolls shall be charged the public for the use of said bridge or any portion thereof for general highway purposes during the term of any such lease or any such contract. Any such contract or lease shall be subject to the approval of the Public Utility Commission in the manner prescribed by law.

Section 2660. Operation of Joint County Toll Bridges by Counties.—Whenever it is necessary for any counties, in the construction of any joint county bridge, or in the joint acquisition of any toll bridge, to issue bonds in payment of such construction or acquisition, including the approaches thereto, of the damages sustained by owners of lands taken in the construction or acquisition thereof, and including reasonable fees for necessary legal services required in such construction or acquisition, the county commissioners of said county or counties may, with the consent of the State Department of Highways if the cost of such bridge was in excess of four hundred thousand dollars (\$400,000), assess, supervise and collect such tolls for the use of said bridge for all traffic as may be necessary to pay the interest on said bonds, and to create a sinking fund for the payment and redemption of the same within thirty years from the date of the issue thereof, and to pay also the costs and expenses of operating and maintaining such bridge between the time of construction thereof and the date of the redemption of the last of said bonds to be redeemed by such tolls. The tolls so collected shall be distributed, between such counties, in proportion to the amount paid in by each county in the original construction or acquisition, and all moneys received from rentals for special use shall be divided between them in the same proportion. In no case shall any tolls be collected after the redemption of the original bonds issued. Such bridge, whether constructed or jointly acquired, shall be a joint county bridge.

Section 2661. Management, Maintenance and Policing of Joint County Toll Bridges; Turning Over to Department of Highways.—(a) Such joint county bridge shall be managed, controlled,

maintained, repaired, operated and lighted by the commissioners of the said counties, acting as a joint county bridge commission, who are hereby authorized to act jointly in the employment of such workmen, collectors of tolls, and other employes, to fix their wages, salaries and compensation, and to incur such other expenses in the construction and operation of such bridge, including the compensation of such attorneys as in their judgment shall be requisite and necessary. All decisions of such commission shall require a majority vote of all the members thereof.

(b) The commissioners of said counties acting jointly may adopt such rules and regulations as they deem expedient for the proper government and management of said bridge, and for the preservation of good order, safe traffic and proper conduct thereon. They may also require arrests to be made for evasion, or attempts to evade, in violation of their rules or regulations, the payment of tolls fixed for passage over said bridge. For any violations thereof, the offender shall be subject to a fine of not less than ten dollars (\$10), or more than twenty-five dollars (\$25), together with costs, upon summary conviction before a justice of the peace, magistrate or alderman of either of said counties, and, on default of payment of such fine, then to imprisonment of not less than ten days, or more than thirty days, in the county prison of either of said counties.

(c) Such powers and duties of said commissioners acting as a joint commission shall continue until the redemption of the last of said bonds to be redeemed by such tolls, whereupon said bridge shall be turned over as a free bridge to the Commonwealth, if such bridge crosses a river and is located on a State highway route, or connects two State highway routes. Thereafter, such bridge shall be maintained by the Highway Department at the expense of the Commonwealth. Otherwise, such bridge shall be maintained as other joint county bridges.]

Section 30. Section 2670 of the act, amended July 10, 1990 (P.L.379, No.89), is amended to read:

Section 2670. Building or Repair of Bridges.—In addition to the provisions of Articles XVIII and XXIII of this act relating to contracting for services and personal property, whenever the county commissioners propose to build or repair a bridge at a cost in excess of ten thousand dollars (\$10,000) [their advertisements for bids shall contain the description of the repairs, or designs of the kind of bridge, required. When the contract is for the building of a bridge, the designs and specifications therefor, or a copy thereof, shall be kept in the office of the county commissioners, open to the inspection of all intending bidders during such advertising and the time specified therein for the reception of bids. In the case of a bridge to be erected over a stream] upon the line between two adjoining counties, the advertising shall be done in each of said counties, and a copy of the plans and specifications shall be kept in the commissioners' office of each county. [The time of filing bids and the

person's name with whom filed must be marked on the outside of said bids.]

Section 31. Section 2676 of the act is amended to read:

Section 2676. Incurring of Indebtedness; Taxation for Debt Service.—Any county constructing a bridge or making any other capital improvement or major repairs, in relation to the matters provided for in this article, may, pursuant to a resolution adopted for that purpose by the county commissioners of such county, incur indebtedness and borrow money therefor **[in accordance with the provisions of the Municipal Borrowing Law]**. Any such county may levy and collect on all taxable property in such county, in addition to all other taxes, for the purposes of servicing such indebtedness.

Section 32. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2000.

THOMAS J. RIDGE