

The jury commissioners shall each receive twelve dollars and fifty cents (\$12.50) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary *or compensation of other county officers and employes.

The county auditors shall receive twelve dollars and fifty cents (\$12.50) for each day necessarily employed in the discharge of their duties, together with six cents (6¢) per mile circular from and to their homes, once, each and every day so employed.

Specific repeal.

Section 2. Section 303, act of June 24, 1937 (P. L. 2017), known as the "County Institution District Law," and its amendments, are repealed in so far as they fix the compensation of county commissioners in counties of the seventh class.

Effective date and applicability.

Section 3. This act shall take effect immediately and shall be applicable to all county commissioners who shall begin a term of office on or after the first Monday of January, 1964.

APPROVED—The 31st day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 200

AN ACT

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," abolishing county institution districts in counties of the seventh and eighth classes, transferring their property, powers, duties and obligations to counties, and increasing the amount which may be spent on burials.

The County Code.

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

Section 1770, act of August 9, 1955, P. L. 323, amended July 20, 1961, P. L. 804 and September 19, 1961, P. L. 1495, further amended.

Section 1. Section 1770, act of August 9, 1955 (P. L. 323), known as "The County Code," amended July 20, 1961 (P. L. 804) and September 19, 1961 (P. L. 1495), is amended to read:

Section 1770. Tax Levies.—No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. No

* "of" in original.

tax for general county purposes in counties of the fourth, fifth, [and] sixth, *seventh and eighth* classes, exclusive of the requirements for the payment of the interest and principal of the funded debt of any such county, shall in any one year exceed the rate of twenty mills on every dollar of the adjusted valuation. No tax for general county purposes in counties of the third [, seventh and eighth classes] *class*, exclusive of the requirements for the payment of the interest and principal of the funded debt of any such county, shall in any one year exceed the rate of ten mills on every dollar of the adjusted valuation. In fixing the rate of taxation, the county commissioners, if the rate is fixed in mills, shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

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

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

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

Any per capita taxes levied upon and collected from any person shall not in any one year exceed a total of three dollars (\$3) for county and institution district purposes.

Section 2. Section 1805, subsection (b) of section 1980 and section 1990 of the act, amended September 19, 1961 (P. L. 1495), are 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, [or] 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, [or] 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), they shall require notice of the

Section 1805,
subsection (b),
section 1980,
and section 1990
of act, amended
September 19,
further amended,
1961, P. L. 1495.

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) 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.

Section 1980. Board of Visitors for Charitable Reform and Penal Institutions.—* * *

(b) The board of visitors of each county shall visit at least three times a year all county hospitals, detention homes, children's homes, jails and like institutions of the county, or any agency of the county, or in counties of the third [, seventh and eighth classes] *class* of the institution district of the county, and all similar institutions and other charitable institutions to which the county appropriates money. Such visits shall be unannounced, and shall be made either by all of the members of the board or by a lesser number acting for the board. The board shall inspect the premises involved, and shall be entitled to full access thereto and to interview any of the inmates thereof, and shall inspect and ascertain all matters pertaining to the welfare and proper conduct of such institutions and, particularly, the treatment received by the inmates. The board shall make an annual report to the court of common pleas, upon a date fixed by the court, regarding all such things and such other matters as may be referred to them by the court regarding such institutions, and the board may also report to the said court, from time to time, as the board shall see fit. A copy of such reports shall be submitted by the board to the proper authorities for such institutions.

Section 1990. Appropriations for Handling, Storage and Distribution of Surplus Foods.—The board of *commissioners of any county to which this act applies may

* "commissolners" in original.

appropriate from county funds, or in counties of the third [, seventh and eighth classes] class from county institution district funds, moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

All appropriations of moneys heretofore made by the board of commissioners of any county out of county funds, or county institution district funds, for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

Section 3. Sections 2161 and 2162, the first paragraph of section 2163, the first paragraph of section 2164 and sections 2165, 2166, 2167, 2168, 2169, 2171, 2172 and 2176, added September 19, 1961 (P. L. 1495), are amended to read :

Sections 2161 and 2162, first paragraph section 2163, first paragraph section 2164, and sections 2165, 2166, 2167, 2168, 2169, 2171, 2172 and 2176, added September 19, 1961, P. L. 1495, amended.

Section 2161. County Institution Districts Abolished.—All county institution districts in counties of the fourth, fifth, [and] sixth, seventh and eighth classes are hereby abolished. The property, real and personal, of each such existing county institution district on the effective date of these amendments is hereby transferred to and vested in the county wherein the institution district is located. All indebtedness of any institution district, whether current or bonded, incurred in the acquisition of any of such property, and in erecting improvements thereon, shall become the debt and obligation of such county and shall be paid by it. All the powers and duties of the institution districts, in connection with administering their affairs, are hereby transferred to the counties in which such institution districts are located.

Section 2162. Records.—The commissioners of each county of the fourth, fifth, [and] sixth, seventh and eighth class shall keep records of the work necessitated by this subdivision as prescribed by the Department of Public Welfare, and shall from time to time, make such reports to such department as it shall require.

Section 2163. Powers and Duties.—The county commissioners of counties of the fourth, fifth, [and] sixth, seventh and eighth classes shall have the power and their duty shall be :

* * * * *

Section 2164. Further Powers and Duties.—The county commissioners of counties of the fourth, fifth, [and] sixth, seventh and eighth classes shall have the power and it shall be their duty, with funds of the county, according to rules, regulations and standards established by the Department of Public Welfare :

* * * * *

Section 2165. Care of Persons Referred by Department of Public Welfare.—The county commissioners of counties of the fourth, fifth, [and] sixth, *seventh and eighth* classes shall have power to care for any dependent or other indigent person in the county who is referred to them by the Department of Public Welfare or by a local board under its supervision, pending the determination of such person's legal settlement.

Section 2166. Provision for Burial of Dependents and Other Persons.—Except as otherwise provided by law, the county commissioners of counties of the fourth, fifth, [and] sixth, *seventh and eighth* classes shall provide for the burial of any person who dies in the county unless his body is claimed by a relative by blood or marriage, or by a friend, or by his fraternal or veterans' organization, or by a charitable organization, or by the Anatomical Board of the State of Pennsylvania, and is buried at the expense of such relative, friend or organization. No such burial shall cost more than [one hundred dollars (\$100)] *one hundred seventy-five dollars (\$175)*.

Section 2167. Treatment of Persons in Danger of Hydrophobia.—The county commissioners of counties of the fourth, fifth, [and] sixth, *seventh and eighth* classes shall provide, with approved medical care and proper attendance (including the so-called Pasteur treatment, where prescribed), all indigent persons settled within their district who may be assumed to be in danger of suffering from hydrophobia or rabies by reason of having been bitten by an animal believed to have been suffering from the disease, and to order payment of the expenses so incurred out of the funds of the county for the care of dependents.

Section 2168. Powers and Duties of County Commissioners as to Children.—The county commissioners of any county of the fourth, fifth, [or] sixth, *seventh or eighth* class shall have the power and for the purpose of protecting and promoting the welfare of children and youth, it shall be their duty to provide those child welfare services designed to keep children in their own homes, prevent neglect, abuse and exploitation, help overcome problems that result in dependency, neglect or delinquency, and to provide in foster family homes and child caring institutions adequate substitute care for dependent or neglected children, whether or not such children have been adjudicated as neglected or dependent, and upon the request of the court for children and youth who have been adjudicated delinquent.

No child under the age of sixteen years shall, unless he is mentally or physically handicapped and no other care is available for him, be admitted to, or maintained

in, an institution conducted by the county commissioners of fourth, fifth, [or] sixth, *seventh or eighth* class counties other than a hospital or sanitarium.

Section 2169. Contributions for Medical Care.—The commissioners of each county of the fourth, fifth, [or] sixth, *seventh or eighth* class shall have the power to make annual appropriations from the funds of the county for the support of any public institution operated, or to any nonprofit corporation organized, to give medical care to the dependents and children of the county without discrimination as to membership in any organization or as to race or sect.

Section 2171. Reports of Persons Applying for Treatment of Disease.—Each county of the fourth, fifth, [and] sixth, *seventh and eighth* class shall make a record of all of the personal and statistical particulars relative to the inmates in their institutions, as directed by the Department of Health, for statistical purposes, and thereafter such record shall be by them made for all future inmates at the time of their admission. In case of dependents admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual dependent himself, if it is practicable to do so, and when they cannot be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends or other persons acquainted with the facts.

Section 2172. Rules and Regulations.—The county commissioners of each county of the fourth, fifth, [and] sixth, *seventh and eighth* class shall have power to make such rules and regulations, not inconsistent with this act and not inconsistent with the rules and regulations of the Department of Public Welfare, as may be deemed proper, convenient and necessary for the government of its institutions and to properly care for dependents.

Section 2176. Removal to County of Settlement.—In case any person does not have a settlement in the county of the fourth, fifth, [or] sixth, *seventh or eighth* class wherein he has become, or is likely to become, a dependent, it shall be the duty of the county commissioners to notify the county commissioners of the county of his settlement of the facts. If the county commissioners, so notified, refuse or neglect to receive him or to make arrangements for his proper care and to pay the amount advanced, the county commissioners during such care may apply to the court of quarter sessions of their county,

or to any judge thereof, by petition, asking for a citation to the county commissioners, so refusing or neglecting, requiring them to appear before such court at a time specified therein, and to show cause why an order should not issue for the removal of such dependent into their county. The court shall proceed to hear and determine the cause upon its merits, and its decree shall be final, unless an appeal therefrom be taken within thirty days.

The citation accompanied by a copy of the petition shall be served by the sheriff of the county, who may, for that purpose, deputize the sheriff of the county of the cited county, upon one or more of the county commissioners named therein, or, with the approval of the court, service may be had by sending such copy by registered mail. The service of mailing shall be at least ten days before the day fixed for such hearing. Upon the hearing and argument before the court, it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law, which exception shall be noted by the court and filed of record as in civil cases. An appeal to an appellate court may be taken by either party from the judgment or decree of the court.

Sections 2301 and 2305 of act, amended September 19, 1961, P. L. 1495, further amended.

Section 4. Sections 2301 and 2305 of the act, amended September 19, 1961 (P. L. 1495), are 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 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, [and] sixth, *seventh and eighth* classes, this section shall apply to lands and buildings for the care of dependents and farms.

Section 2305. Acquiring and Using Real Property; Court Approval; Exceptions.—(a) The county commissioners may purchase, 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, [and] 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 alter-

ation, including enlargement, of an existing county building. Any purchase herein authorized shall be subject to the approval of the court of common pleas of the county as to purchase price, and no such contract shall bind the county, nor shall any conveyance be valid until the court has so approved the purchase price. In addition to such approval, 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, [and] 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 5. The act of June 24, 1937 (P. L. 2017), known as the "County Institution District Law," is repealed as to counties of the seventh and eighth classes.

Specific repeal
as to 7th and
8th class
counties.

Section 6. This act shall take effect January 1, 1964.

Effective date.

APPROVED—The 31st day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 201

AN ACT

Amending the compact contained in the act of June 5, 1937 (P. L. 1664), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

Compact between
Pennsylvania and Ohio
concerning
Pymatuning
Lake.

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