

No. 2004-155

AN ACT

HB 1860

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," further providing for investment of county funds, for definitions and for police duties.

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

Section 1. Section 1706(e) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended December 13, 1982 (P.L.1131, No.258), is amended to read:

Section 1706. Investment of Funds.—* * *

(e) In making investments of county funds, the commissioners (or other elected officials when authorized as provided in subsection (a)) shall have authority:

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

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

(3) To join with one or more other political subdivisions and municipal authorities in accordance with [the act of July 12, 1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation,"] 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) in the purchase of a single investment, provided that the requirements of clause (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.

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

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

Section 2. The definitions of “convention center” or “convention center facility” in sections 2399.53 and 2399.72(k) of the act, added October 18, 2000 (P.L.541, No.73), are amended to read:

Section 2399.53. Definitions.—The following words and phrases when used in this subdivision shall have the meanings given to them in this section unless the context clearly indicates otherwise or unless there is a specific definition in another section:

* * *

“Convention center” or “convention center facility” shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an authority, appropriate for any of the following: large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific, sports, recreational, artistic and public interest events, performances and exhibitions, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including *hotels*, meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, locker rooms, practice areas and equipment, training areas and equipment, truck loading areas, including access thereto, accessways, including, but not limited to, tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether such buildings or facilities constitute convention center facilities or are owned or controlled by the authority, common areas, lobbies, offices and areas appurtenant to any of the preceding, and also including other land, buildings, structures or facilities for use or planned for use in conjunction with the foregoing, including, but not limited to, landscaping, buffer areas, off-street parking, retail areas and other improvements related to a convention center facility owned by or leased by or to an authority, regardless of whether such improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of such convention center facility.

* * *

Section 2399.72. Hotel Room Rental Tax.—* * *

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

* * *

“Convention center” or “convention center facility” shall mean any land, improvement, structure, building, or part thereof, or property interest therein, whether owned by or leased by or to or otherwise acquired by an authority,

appropriate for any of the following: large public assemblies, the holding of conventions, conferences, trade exhibitions and other business, social, cultural, scientific, sports, recreational, artistic and public interest events, performances and exhibitions, and all facilities, furniture, fixtures and equipment necessary or incident thereto, including *hotels*, meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, locker rooms, practice areas and equipment, training areas and equipment, truck loading areas, including access thereto, accessways, including, but not limited to, tunnels, overhead walkways, escalators, elevators and other connections to nearby or adjoining buildings or facilities, regardless of whether such buildings or facilities constitute convention center facilities or are owned or controlled by the authority, common areas, lobbies, offices and areas appurtenant to any of the preceding, and also including other land, buildings, structures or facilities for use or planned for use in conjunction with the foregoing, including, but not limited to, landscaping, buffer areas, off-street parking, retail areas and other improvements related to a convention center facility owned by or leased by or to an authority, regardless of whether such improvements are for the purpose of producing revenues to assist in defraying the costs or expenses of such convention center facility.

* * *

Section 3. Sections 2511 and 2512 of the act are amended to read:

Section 2511. *Employes; Police.*—(a) For the purpose of performing all necessary duties relating to the establishing, making, enlarging, extending and maintaining public parks, *buildings and other county-owned properties* and for enforcing the rules and regulations ordained or resolved by the county commissioners or by any body or board of control where no penalty or fine is involved, the county commissioners of the county are hereby authorized to employ or appoint and equip proper persons to do all necessary and proper work connected therewith, including police or guard duty.

(b) *The board of commissioners of any county of the third class that is contiguous to a county of the second class may, by ordinance, create or disband a county park police force within the county. When such a county park police force is created in accordance herewith, the county commissioners shall have power to employ the number of officers as may be fixed by the salary board of the county. The compensation of the county park police officers shall be paid by the county.*

Section 2512. *Duty of Police.*—(a) It shall be the duty of the police, *county park police* or guards appointed to duty in any recreation places, *buildings and other county-owned properties*, without warrant, forthwith to arrest any offender against the rules and regulations, ordained or resolved by the county commissioners, that they may detect in the commission of such offense, and to take the person so arrested forthwith before a magistrate, alderman or justice of the peace having competent jurisdiction.

(b) In the ordinance creating a county park police force, the county commissioners shall designate a primary jurisdictional area upon which the county park police officers shall have jurisdiction and which shall include only property owned, leased or controlled by the county, by a county municipal authority, county redevelopment authority, county industrial development authority or agency, or county airport authority, or by a community college of which the county is a local sponsor, whether such property is within or outside the territorial limits of the county. A county road, street or highway shall not be designated or considered as a primary jurisdictional area unless it is located within the boundaries of a geographical area otherwise designated by ordinance as a primary jurisdictional area pursuant to this section.

(c) County park police shall have the power and their duty shall be:

(1) to enforce good order and protect the grounds and buildings within a primary jurisdictional area;

(2) to exclude all disorderly persons from the grounds and buildings within a primary jurisdictional area;

(3) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the primary jurisdictional area is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(4) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the primary jurisdictional area and carry the offender before the proper authority and prefer charges against the offender under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, county park police shall exercise these powers and perform these duties only on the grounds of the primary jurisdictional area;

(5) to order off the grounds and out of the buildings within the primary jurisdictional area all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, carry such offenders before the proper authority; and

(6) to arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings within the primary jurisdictional area and carry the offender before the proper authority and prefer charges against the offender under the laws of this Commonwealth.

(d) The county commissioners shall designate, from the county park police officers, the chief and such other ranks or classifications of officers as desired by the county commissioners.

Section 4. This act shall take effect as follows:

- (1) The amendment of sections 1706(e), 2511 and 2512 of the act shall take effect in 60 days.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL