

ACTS AFFECTING COUNTY GOVERNMENT, 2009

Following is a list of acts affecting county government that passed in 2009 to date. Included are the bill number and printer's number (bill version) and the date the act was signed into law. Copies of each act are available from the Legislature's web site by clicking on the link.

ACT 1 (HB 84, P.N. 1955: June 10, 2009) - The Preventable Serious Adverse Events Act establishes a system for payment or reduction in payment for preventable serious adverse events within the Commonwealth. The Act provides that a health care provider may not knowingly seek payment from a health payor or patient for a preventable serious adverse event or for any services required to correct or treat the problem created by a preventable serious adverse event when that event occurred under their control. The events shall be included on the list of reportable serious adverse events adopted by the National Quality Forum or in a bulletin as provided under the act. Also provides for duties of the Departments of Health and State and for reporting by health care providers.

HR 334 (P.N. 2292; Adopted by the House June 24, 2009) – The resolution directs the Legislative Budget and Finance Committee, a joint legislative service agency, to undertake a comprehensive review of the real property assessment system in Pennsylvania. The Committee is to consult with CCAP and its affiliate Assessors Association of Pennsylvania, and is to study systems in other states. It is to report and make recommendations to the General Assembly no later than June 24, 2010. This resolution also directs the LBFC to examine the impacts of Clean and Green on the local tax base. (Editor's note: Unlike acts and appropriations acts, resolutions may be adopted solely by one legislative chamber, and do not receive act numbers or gubernatorial action. They go into effect upon the chamber's approval.)

ACT 6 (HB 718, P.N. 797: June 29, 2009) – The Act amends the Public Safety Emergency Telephone Act to reauthorize the wireless E-911 surcharge fee until June 30, 2014. The fee had been set to expire on June 30, 2009. The Act achieves part of a 2009 CCAP Legislative Priority.

ACT 11 (SB 446, P.N. 759: July 2, 2009) - Amends the sections of the Vital Statistics Law pertaining to death and fetal death registrations by adding the State Registrar of Vital Statistics. Also provides the department shall transmit monthly to the Department of State an electronic file containing information on all resident deaths, except residents less than 18 years of age, for the preceding month. The electronic file shall include the full name of the decedent, gender, last address, the date of birth if available, county of residence, the date of death, the county of death, State file number and the last four digits of the decedent's Social Security number. The act further provides the Department of State shall enter this information into the SURE system or a similar successor system, which shall be used by the county boards of election for the purpose of removing deceased individuals from their voter registration rolls.

ACT 20 (SB 33, P.N. 1230: July 14, 2009) - Amends the Election Code to temporarily freeze election districts. This type of legislation is customarily passed prior to the federal decennial census, and in part paves the way for the re-districting process that will begin in 2010. The freeze begins July 15, 2009 and extends through November 30, 2012. Limited exceptions are available to make changes between July 15, 2009 and December 31, 2010, but after that date and through November 30, 2012, no modifications will be permitted to take place. The bill also extends the statutory ratification of the Help America Vote Act (HAVA) compliance voting standards developed by the Voting Standards Development Board in 2003 to the 2009 and 2010 elections. Last, the new act prohibits the Secretary of the Department of State from approving voting machines that do not comply with HAVA voting standards.

ACT 23 (HB 263, P.N. 268: July 17, 2009) - Amends the act entitled "An act authorizing the Commonwealth of Pennsylvania, through the Department of Conservation and Natural Resources, to enter into such agreements and to acquire such interest as may be necessary to establish, protect and maintain the Appalachian Trail, and providing for the establishment, protection and maintenance of such trail," providing that the required timeline for municipalities to enact a zoning ordinance is extended until August 11, 2010. The Act may affect the county comprehensive land use plan.

ACT 26 (SB 84, P.N. 67: July 27, 2009) - The Act amends the Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act modifying the definition of "economic development agencies," which is amended to include any nonprofit corporation created and controlled by a redevelopment authority to carry out its statutory purpose. The Act extends limited environmental liability to economic development agencies which secure public funding for environmental or infrastructure improvement projects. The Act clarifies that the economic development agencies, its officers, directors, and others acting on the agency's behalf are not liable unless they directly cause an immediate release of a regulated substance on the property. Counties commonly supply funding for economic development agencies and county officials sit on their boards.

ACT 30 (HB 1770, P.N. 2515: August 4, 2009) - The Act extends unemployment compensation to eligible claimants with an additional seven weeks of federally funded unemployment under the American Recovery and Reinvestment Act. The Act also includes provisions for a "State On indicator" and a "State Off Indicator" based on average rates of unemployment over set time periods. Under certain averages the extra compensation would cease.

ACT 1A (SB 850, P.N. 953; August 5, 2009, with gubernatorial line item veto) - The Act is the first version of the 2009-2010 Commonwealth General Fund budget, line item vetoed by the Governor to delete all appropriations not related to commonwealth employee pay and certain critical programs.

ACT 32 (HB 1648, P.N. 2294: August 7, 2009) - The Act establishes the Interbranch Commission on Juvenile Justice. The Commission is a joint legislative, executive and judicial commission created to investigate the incidents of misconduct by individuals in the Luzerne County Court of Common Pleas, restore confidence in the juvenile justice system, and prevent future incidents from occurring. The Commission has full subpoena power, in which persons that do not fully comply will be subject to the penalties and laws of the Commonwealth. The Commission is tasked to provide recommendations to the General Assembly and the Governor in a report due May 31, 2010.

ACT 33 (SB 112, P.N. 1091: August 11, 2009) – The Act amends Title 42 (Judiciary & Judicial Procedure) regarding guidelines for resentencing, providing for temporary release from county correctional institution, for parole without board supervision, for the transfer of inmates in need of medical treatment, and adds a subchapter related to County Probation Officers. Further, the bill codifies Title 61 (Penal & Correctional Institutions), entitled the Prisons and Parole Code, which broadly provides for the general operation of correctional institutions, and for penal operations and procedures. The Act also changes "district justice" to "magisterial district judges" in several sections of the Judicial Code to make those sections consistent with the rest of the law. The Act clarifies a provision and repeals obsolete laws relating to Philadelphia's prison system and clarifies provisions relating to the Pennsylvania Board of Probation and Parole.

ACT 44 (HB 1828, P.N. 2638: September 18, 2009) – Amends the Municipal Pension Plan Funding Standard and Recovery Act. The act makes available a number of asset valuation methodologies allowing counties to reduce annual required contributions for county pension plans. The Act also regulates the establishment and operation of Deferred Retirement Option Plans, establishes new conduct and disclosure standards for professional service contracts applicable to municipal pension systems, dedicates 6.7% of Pittsburgh's parking tax to pension debt service payments, and allows Philadelphia to impose an additional 1% sales tax in which the proceeds are dedicated to pay pension debt.

ACT 10A (HB 1416, P.N. 2772: October 9, 2009) – This Act provides for the 2009-2010 Commonwealth General Fund Budget. The act ended a 101 day deadlock, and a concurrent freeze on commonwealth spending that caused counties to adopt a number of interim strategies to keep critical programs in operation. The final budget contains freezes and sometimes-deep cuts in many line items. Although not good news for counties, the hits taken to county lines are generally not as severe as the overall trend in the budget. A modest increase in children and youth funding and stable funding for nursing homes is counterbalanced by cuts in mental retardation funding, the Human Services Development Fund, and drug and alcohol. There are significant cuts in community development, tourism promotion, agricultural land preservation administration, environmental and judicial reimbursement appropriations. There are more modest cuts in funding for adult and juvenile probation funding.

ACT 48 (HB 1531, P.N. 2748: October 9, 2009) – Amends the Tax Reform Code. The act increases the cigarette tax, creates a tax amnesty program, reduces various tax credit programs, and freezes the capital stock and franchise tax rate. The act is part of the funding side of the commonwealth budget agreement.

ACT 49 (HB 1607, P.N. 2747: October 9, 2009) – The Act amends Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) by consolidating the law relating to constables. The Act in Title 42 also fulfills in part the CCAP court administration / district attorney funding priority by imposing a permanent \$2.25 fee on those admitted to the accelerated rehabilitation programs, to fund the commonwealth share of the full time district attorney salary. The provisions relating to constables previously found in Titles 42 and 75 are consolidated with other provisions in Title 44, and include election, appointment, qualifications, training and certification, powers and duties, liability and indemnity, fees and compensation, use of firearms, and operation and duties of the Constable Education and Training Board. The act's constable provisions are purely a codification and contain no substantive changes; the House Judiciary Committee, where the bill originated, believed a consolidation was a necessary first step before dealing with substantive issues identified earlier in the year in Committee hearings. The Act also repeals obsolete provisions in Title 44 relating to recidivism programming.

ACT 50 (HB 1614, P.N. 2799: October 9, 2009) – Makes a number of amendments to the Fiscal Code to provide additional revenues to the commonwealth. Included is authorization for the Department of Conservation and Natural Resources to lease state forest lands for the purpose of natural gas production. The Act requires that up to \$50 million in receipts annually are to be remitted to the Oil and Gas Lease Fund for use by DCNR under the provisions of that fund. The Act stipulates, however, that for fiscal year 2009-2010 up to \$60 million of the amount in the Oil and Gas Lease Fund is to be transferred to the General Fund. There are no direct allocations to county or municipal government. The Act was part of the compromise developed to obtain passage of the 2009-2010 commonwealth budget.

ACT 51 (SB 369, P.N. 1478: October 9, 2009) – Amends the Emergency and Law Enforcement Personnel Death Benefits Act to provide full and direct commonwealth payment of benefits provided for under the Act. The Act pays to the survivors of any law enforcement officer, ambulance service or rescue squad member, firefighter, certified hazardous material response team member who dies as a result of the performance of his duties a lump sum of \$100,000 (adjusted for inflation). The act applies to county sheriffs and deputies, prison guards, park police, and others "vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses." Under prior law, the commonwealth made the lump sum payment to the political subdivision which then made the payment to the survivors. Additionally, under the municipal pension laws, certain municipalities also had the obligation to pay to the survivors of certain law enforcement officers and paid firefighters, ambulance and rescue squad members the monthly salary of the deceased officer. The new law provides that the commonwealth will directly make the lump sum

payment to survivors, and will assume responsibility for, and make direct payment of, the monthly salary to such survivors, less any workers' compensation or pension or retirement benefits paid, and shall continue such monthly payments until there is no eligible beneficiary to receive them. Only the lump sum payment, and not the salary payment, is made to survivors of volunteer fire, ambulance, rescue squad, or hazardous materials team members.

ACT 52 (SB 607, P.N. 657: October 9, 2009) - Amends the Rural Pennsylvania Revitalization Act, in Center for Rural Pennsylvania, further providing for board of directors and for grants, and specifying that a simple majority of the duly qualified members the board shall constitute a quorum. The bill also expands eligibility to include regional campuses of the University of Pittsburgh, and raises the grant limit to \$60,000, as well as expanding the subject areas of the grant program to include agriculture and health and welfare concerns.