

## **ACTS AFFECTING COUNTY GOVERNMENT, 2000**

Following is the list of acts affecting county government that passed in 2000. Included is 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 Association or at the Legislature's web site ([www.legis.state.pa.us/WU01/LI/BI/billroom.htm](http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm)); enter the bill number and the 1999-2000 session and at the next screen select the correct printer's number). Our thanks to the Local Government Commission, from whose act summaries this list is drawn.

**ACT 6** (H.B. 2057, P.N. 2882, March 17, 2000) – Extensive set of amendments to the Industrial Sites Environmental Assessment Act (Brownfields Law) to, among other things, establish a performance-based loan program to assist in the remediation of brownfield sites.

**ACT 10** (H.B. 1717, P.N. 3220, May 10, 2000) – Amends the Protection from Abuse Act (Domestic Relations) by extending, from one year to 18 months, the maximum duration of a court-granted protection order or a court-approved consent agreement for the cessation of abuse of a plaintiff or minor children.

**ACT 12** (S.B. 1047, P.N. 1858, May 10, 2000) – Amends the Crimes Code by, among other things, making the offense “institutional sexual assault” applicable against certain persons working in county juvenile detention facilities or other licensed residential facilities serving children or MH/MR populations, and increasing the offense from a first degree misdemeanor to a third degree felony.

**ACT 14** (S.B. 383, P.N. 392, May 10, 2000) – Amends the Crimes Code by defining the offense of “sexual exploitation of children” and making the offense a felony of the second degree.

**ACT 18** (S.B. 380, P.N. 1895, May 10, 2000) – Among other things, repeals guardian ad litem for child provisions from the Domestic Relations Code and places it within the Juvenile Act in the Judicial Code; provides for adjudication procedures for alleged delinquent children; and revises provisions relating to registration of sexual offenders.

**ACT 20** (H.B. 1099, P.N. 3504, May 22, 2000) – Creates the Area Agency on Aging Services Waiting List Act, which requires the Department of Aging to conduct a study of provision of lottery-funded services provided by area agencies on aging.

**ACT 23** (S.B. 2, P.N. 1966, May 24, 2000) – Amends the Tax Reform Code by, among other things, providing for the \$100 Homeowners' Century Rebate Act.

**ACT 21A** (S.B. 1, P.N. 1955, May 24, 2000) – This is the General Appropriation Act or 2000-2001. The adopted budget closely follows the Governor's original proposal, which was one of the best budget proposals in recent memory from the county perspective, with the exception of a significant reduction in receipts from the Public Utility Realty Tax (PURTA). Unfortunately, the adopted budget does nothing to address the PURTA problem. On the positive side, the budget includes cost of living increases in almost all county human services programs, and several other lines. Counties are particularly pleased with significant increases in funding for children and youth, residential mental retardation services, and land use planning, and the cost of living increase in the Human Services Development fund. The adopted budget adds \$500,000 to the Drug and Alcohol line and \$5 million to the Behavioral Health Services line, reversing a cut in the Governor's proposal. Additional funding above the Governor's request is

also in the community colleges, mass transit operating subsidy, community revitalization, and tourism promotion lines.

**ACT 28** (S.B. 497, P.N. 2013, June 22, 2000) – Authorizes hotel room rental taxes of up to 3.5% in Lehigh and Northampton Counties. Proceeds are earmarked to support regional tourist promotion agencies, and to further develop facilities and initiatives that enhance regional tourism.

**ACT 29** (H.B. 2083, P.N. 3748, June 22, 2000) – Among other things, eliminates the December 31, 2000 termination date for the Ben Franklin / IRC Partnership.

**ACT 36** (H.B. 1635, P.N. 2000, June 22, 2000) – Amends the Judicial Code by authorizing court clerks of court (except in Philadelphia and Allegheny) to increase fees, with certain restrictions as to frequency and rate, and with the approval of the county president judge, and by establishing a filing fee of not more than \$5 which shall be used solely for the purpose of automation and automation update of the office of the clerk of courts. Although the technology fee is set up in a restricted receipts account, the bill does not authorize the clerk of courts to establish a separate checking account, and does not abrogate the ability of the commissioners to include the fund in the budget, or the requirement that the commissioners be the exclusive contracting body on the part of the county.

**ACT 37** (H.B. 1962, P.N. 3206, June 22, 2000) – Authorizes political subdivisions and municipal authorities to provide, by contract, limited voluntary early severance plans for their employees. Although the plans may include retirement incentives, they are intended as severance plans and are not limited to retirement incentives.

**ACT 41** (H.B. 28, P.N. 3716, June 22, 2000) – Amends the Crimes Code by, among other things, further providing for sentences of confinement and intermediate punishment, including authorization of combined sentences, and by reenacting the County Intermediate Punishment Act within the Crimes Code.

**ACT 42** (H.B. 2092, P.N. 2706, June 22, 2000) – Extends the expiration date of the Pennsylvania Conservation Corps act from June 30, 2000 to June 30, 2010.

**ACT 44** (H.B. 1423, P.N. 1677, June 22, 2000) – Amends the Third Class County Assessment Board Law to increase, from \$1,000 to \$2,500, the maximum dollar threshold of the painting or normal repairs to a building, which may not be considered as a basis for a change in assessed valuation of the improvement.

**ACT 54** (S.B. 1243, P.N. 2020, June 22, 2000) – Enacts the Tobacco Settlement Agreement Act, which implements the tobacco product manufacturers Master Settlement Agreement with the Commonwealth. The act establishes the Commonwealth's acceptance of the fund, and its administration, but does not appropriate any of the proceeds.

**ACT 57** (S.B. 936, P.N. 1997, June 22, 2000) – Comprehensive amendments to the Library Code, amending both the appropriations process and the administration of each type of state library funding -- Quality Libraries Aid, Incentive for Excellence Aid, County Coordination Aid, and District Library Centers Aid. The amounts to be appropriated to each category are to be specified in the Commonwealth budget. In addition, the law guarantees all county libraries a minimum of 10% increase in funding for fiscal year 2000-2001, even if adversely affected by

the match changes. This grandfather continues into 2001-2002 if the county maintains or exceeds its current level of funding.

**ACT 59** (S.B. 1275, P.N. 2042, June 22, 2000) – Amends the Domestic Relations Code by, among other things, providing for the powers of legal custodians and legal guardians pursuant to the Standby Guardianship Act.

**ACT 64** (S.B. 255, P.N. 2061, June 22, 2000) – Amends the Crimes Code by, among other things, providing for ignition interlock devices for DUI and related offenses.

**ACT 67** (H.B. 14, P.N. 3711, June 22, 2000) – Significant set of amendments to the Pennsylvania Municipalities Planning Code, including transferable development rights, mechanisms to overcome the zoning exclusionary rule, and provisions to allow a form of growth boundaries. Most of the provisions are available only to municipalities, but counties are drawn in as potential administrators for joint municipal plans and ordinances, and are given opportunities to be mediators or facilitators in the development of joint efforts.

**ACT 68** (S.B. 300, P.N. 2058, June 22, 2000) -- Significant set of amendments to the Pennsylvania Municipalities Planning Code, including both technical and practical revisions, highlighted by expansion of the planning process, inclusion of mechanisms to improve consistency between county and municipal plans and ordinances, and incorporation of language modifying existing impact fee language.

**ACT 69** (H.B. 1424, P.N. 3957, October 11, 2000) – Amends the Fourth through Eighth Class County Assessment Law by increasing, from \$1,000 to \$2,500, the threshold amount that must be expended for painting or normal repairs to a building in order for a change in assessed valuation of real property to occur, and increasing, from \$1 to \$10, the maximum amount that may be charged for permits that record building improvement information used by counties.

**ACT 73** (H.B. 1140, P.N. 4085, October 18, 2000) – Amends the County Code by authorizing counties to sell real property without adhering to mandatory real property sale provisions where the purchaser of the property is a nonprofit corporation or limited partnership in which a nonprofit corporation is a general partner and managing agent and the property is to be used for qualified purposes; and adds a subdivision to be known as the Third Class County Convention Center Authority Act (Alternative Provision), applying to Erie County, which authorizes the county to adopt a hotel room rental tax of up to 5 percent and permits its convention authority to make grants to the county for purposes of supporting defined regional assets.

**ACT 80** (S.B. 1109, P.N. 2147, October 18, 2000) – Amends the Crimes Code by, among other things, allowing the court to order a presentence mental evaluation of persons convicted of unlawful killing, maiming or torture of a dog or cat.

**ACT 82** (S.B. 1223, P.N. 2176, October 18, 2000) – Amends the Real Estate Tax Sale Law by, among other things, authorizing counties to grant to local redevelopment authorities, municipalities, or their agents the right of first refusal for the discharge of tax claims before a sale, and by prohibiting an individual whose landlord license has been revoked in a municipality from purchasing property at a tax sale in the county in which the municipality is located.

**ACT 83** (S.B. 1271, P.N. 2134, October 18, 2000) – Amends the Improvement of Deteriorating Property or Areas Tax Exemption Act by establishing an alternative exemption schedule eliminating taxes on improvements to defined deteriorating residential property for ten years, and by providing an alternative exemption schedule for new dwellings in defined deteriorating areas that would eliminate taxes thereon for ten years or decrease taxes in ten percent increments from 100 percent to 0 percent over a ten year period.

**ACT 84** (S.B. 1299, P.N. 1677, October 18, 2000) – Amends the Judicial Code by providing for the admissibility of statements made by a child 12 years of age or younger as evidence in civil proceedings.

**ACT 85** (S.B. 706, P.N. 2226, October 30, 2000) – Amends the Second Class County Code by, among other things, authorizing operating reserve appropriations, modifying the Allegheny County pension system, extending the budget adoption for Allegheny County and its municipalities to January 31, 2001, authorizing contracts with political subdivisions of other states, recodifying the Sports and Exhibition Authority Act repealing the County Jail Oversight Board Act, and authorizing special tax relief measures.

**ACT 86** (S.B. 1224, P.N. 2222, October 30, 2000) – Amends the Crime Victims Act by, among other things, extending provisions of the Victims' Bill of Rights to certain crimes committed by juveniles. While the act will result in some increased costs for counties due to requirements for juvenile staff to do victim notifications and related victim activities, funding is set aside at PCCD to cover the costs counties are expected to incur. The county must develop a coordinated plan with victims' services and apply for the funding.

**ACT 87** (H.B. 165, P.N. 153, November 22, 2000) – Repeals Act 60 of 1951, entitled "An act authorizing certain counties to establish fire training schools for the paid and volunteer firemen of municipalities within the county." The act had been superseded by another amendment to the County Code providing for the creation of fire training schools.

**ACT 104** (S.B. 769, P.N. 2332, December 20, 2000) – Amends the Local Tax Collection Law by, among other things, (1) providing for the Department of Community and Economic Development, in consultation with the Pennsylvania Tax Collectors' Association, to implement a continuing education program for real estate tax collectors; (2) specifying that when a duplicate is issued after an interim assessment, it shall be considered the tax collector's warrant for collection of taxes; (3) further providing for payment of taxes due on an interim assessment; (4) providing a procedure for the collection of installment taxes paid after December 31 by the elected tax collector; (5) permitting a taxing district to require additional information from the tax collector as provided on forms approved by DCED; (6) making necessary alterations to provisions relating to the final and complete settlement of taxes as a result of the above; and (7) requiring counties and municipalities to appoint the elected tax collector as the delinquent tax collector who is granted the same powers and obligations possessed by the delinquent tax collector appointed by the school districts.

**ACT 105** (S.B. 958, P.N. 2330, December 20, 2000) -- The act creates additional judgeships in several counties, each of which received approval by both the affected county and its president judge. Most will be elected in 2001 for the term commencing in 2002, but several are held to the 2003 election for the 2004 term. The act also includes language permitting counties to establish day care centers at the courthouse or judicial center for use by families called into

court, to be funded by a \$5 add-on to specific prothonotary, register of wills, and clerk of court fees. Establishment of the centers is discretionary.

**ACT 107** (S.B. 1280, P.N. 2276, December 20, 2000) – Amends Act 437 of 1913, an act which provides for the payment of costs associated with prisoner escapes and attempted escapes by assigning to the county the payment of costs, as defined, of escape and maintenance of prisoners under the jurisdiction of the county, and by directing that the Commonwealth pay for the costs, as defined, incurred relating to escape and maintenance of prisoners under the jurisdiction of the Commonwealth. See also related provisions in Act 122 of 2000.

**ACT 112** (S.B. 712, P.N. 2326, December 20, 2000) – Extensive amendments to the Municipal Authorities Act of 1945 providing, among other things, that (1) a county-incorporated authority cannot acquire real property solely for revenue making purposes, unless each taxing district affected by the acquisition gives its approval or the authority agrees to make annual payments in lieu of taxes; and (2) relating to authority board membership, replacing prior law that the member must be a “taxpayer in, maintain a business in, or be a citizen” with a new requirement that the board member be a “resident.” Residency is limited to the municipality incorporating the authority, not including service areas outside the incorporating municipality or municipalities.

**ACT 113** (S.B. 844, P.N. 2327, December 20, 2000) – Amends the Judicial Code by, among other things, reinstating, with modification, the sexual offender registration law.

**ACT 119** (H.B. 2498, P.N. 4208, December 20, 2000) – Extensively amends the Keystone Opportunity Zone Act by, among other things, (1) authorizing a three-year extension of any existing Keystone Opportunity Zone or subzone under certain conditions; (2) authorizing creation of 13 new Keystone Opportunity Expansion Zones; (3) authorizing DCED to designate up to eight expansion subzones in a KOEZ under certain circumstances; (4) creating new tax credit relief from the bank and trust company shares tax and similar taxes for a qualified business in a subzone or expansion subzone; (5) providing a job tax credit for all full-time jobs with an insurance company in a qualified subzone or expansion subzone; and (6) requiring any business located within a subzone or expansion subzone, which has received an exemption, deduction, abatement, or credit and which subsequently relocates outside the zone within a specified time period, to pay back an enumerated amount of the exemption to the state and political subdivision.

**ACT 121** (H.B. 1728, P.N. 4180, December 20, 2000) – Amends the Hazardous Material Emergency Planning and Response Act by, among other things, permanently reestablishing the county surcharge fee for hazardous waste materials that are stored within county boundaries, which is used to offset the cost of counties’ planning and inventory responsibilities under the Act. The act also (1) shortens the time period to five days, from between 60 and 90 days, in which facilities must submit material safety data sheets (MSDS) to the local emergency planning committees (LEPC), and shortens to 15 continuous days, from 30 days, the reporting requirements for “rolling stock”; (2) expands and clarifies information that must be incorporated in the plan, including a list of emergency equipment located at facilities, the location of training programs and schedules for exercising emergency plans, the longitude and latitude of each facility, and the “vulnerable radius” for each reported extremely hazardous substance at a facility; (3) requires the LEPC to review results of emergency response activities and incorporate necessary adjustments in the plan; and (4) replaces the “county

preparedness assessment” with a “periodic report” on the status and capabilities of the county’s hazardous materials safety program.

**ACT 122** (H.B. 2014, P.N. 4167, December 20, 2000) – Amends Act 437 of 1913, relating to the cost of prisoner escapes by, among other things, further delineating state and county jurisdiction, and repealing Act 75 of 1957, entitled “An act designating the counties responsible for the upkeep of certain convicts in penal or correctional institutions.” See also Act 107 of 2000.

**ACT 127** (H.B. 1604, P.N. 4070, December 20, 2000) – Amends the Pennsylvania Municipalities Planning Code by, among other things, making several technical and corrective changes to provisions added by Acts 67 and 68 of 2000.

**ACT 129** (H.B. 877, P.N. 4236, December 20, 2000) – Amends the Juvenile Act by, among other things, clarifying the ability of counties to provide shelter care in the same building or facility used for providing secure detention services, provided that the two populations are appropriately segregated.

**ACT 131** (H.B. 1164, P.N. 1317, December 20, 2000) – Amends the Public Works Contractors’ Bond Law by increasing, from \$5,000 to \$10,000, the dollar amount of contracts that must comply with the limitations of the Act.

**ACT 141** (S.B. 1531, P.N. 2308, December 20, 2000) – Amends the Liquor Code by, among other things, providing for licensing quotas by county rather than by municipality, allowing further options for transfer of licenses among municipalities, and providing additional local options in “dry” municipalities.

**VETO 2** (H.B. 181, P.N. 4231, December 20, 2000) – Would have amended the Administrative Code to provide a training program for tax collectors. Vetoed due to unrelated language that would have restricted the ability of the Pennsylvania Housing Finance Agency to finance multi-family dwellings.

**VETO 3** (H.B. 1470, P.N. 4234, December 20, 2000) – Extensive amendments to the Vehicle Code. Vetoed due in part to a provision that would have limited county and municipality ability to restrict weight loads on local bridges and roads.

**ACT 142** (S.B. 1154, P.N. 2322, December 22, 2000) – CCAP-sponsored amendments to the County Code, relating to contracting and authorizing county hotel taxes. The act makes substantive changes to the procurement procedure, including:

- The number of times bids are required to be advertised is decreased from three to two;
- The time and manner of opening bids is changed, and commissioners are no longer requiring to be present;
- Bid bonds become discretionary, and types of security are expanded;
- Provisions regarding delay in awarding bids are changed;
- Lease purchase, trade-in, and other alternate purchasing methodologies are recognized;
- For construction projects, changes the thresholds, types of security, and amount of security for performance and payment bonds;
- “Best value procurement” for technology contracts is authorized;

- Specific bidding exceptions are added for construction management and software;
- Non-construction performance bonds become discretionary, and types of security are expanded; and
- Changes bidding exception to accommodate deregulated utilities.

Many of the contract language changes are technical and are designed to improve the clarity of the language or to recognize changes in technologies and market places. Some changes are done for consistency (e.g., adjusting thresholds so that they match throughout the law). Some changes delete redundancies (e.g., deletion of references to the Municipal Borrowing Law since it is presumed that any borrowing is done in accordance with that law anyhow).

The bill also corrects references (e.g., DCED for DCA, Department of Transportation for Department of Highways, and Workers' Compensation for Workmen's Compensation). Obsolete references (e.g. Spanish War veterans and Veterans of the War with Germany and Austria) are deleted or updated.

The bill's hotel tax provision allows counties to impose a hotel tax of up to 3%, with the proceeds to be used for "tourism, convention promotion, and tourism development". The terms are not defined in the bill, and thus are essentially what the county commissioners and the local TPA agree them to be at the time the commissioners enact the tax. For counties with an existing 2% authorization, that 2% would remain in effect under the terms of the original legislation, but the county would gain the authorization for an additional 1% that could be used for any of the broader purposes indicated here. Counties with existing authorizations of 3% or greater are not affected by the bill. Two special allocation provisions were added, affecting just Adams and Dauphin Counties.

The bill contains three other provisions as well, including language affirming counties' ability to offer cafeteria and other benefits plans to county employees and elected officials, affirmation of counties' ability to issue the county and municipal tax duplicates at the same time as the schools (currently about half a dozen counties do so), and deletion of the requirement that the voter registration office remain open on the two Saturdays prior to registration cutoff.

The bill takes effect 60 days after the Governor's signature.