

ACTS AFFECTING COUNTIES 2003

ACT 1A ([H.B. 898](#), P.N. 730, March 20, 2003, effective immediately with exceptions) – This is the Commonwealth General Appropriation Act of 2003. County lines were hard hit, including a 90% reduction in the Human Services Development Fund, a complete zeroing out of the Behavioral Health Services Initiative and Act 152 funding, a 40% reduction in intermediate punishment drug and alcohol treatment services, delayed implementation of HealthChoices, and significant cuts in mass transit and library funding.

ACT 20 ([S.B. 442](#), P.N. 1044, August 14, 2003, effective immediately) -- The act amends the Municipal Claim and Tax Lien Law by amending the definition of "taxes" to include "all penalties, interest, costs, charges, expenses and fees, including reasonable attorneys' fees, allowed for by this act." Additionally, the legislation states that a municipal claim would include all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees; a municipality would adopt a schedule of attorney fees by ordinance. The legislation also has a provision that allows second class counties to accrue interest on taxes monthly and a provision that states that first class cities must prove why a property should not be sold free and clear of all impediments.

ACT 21 ([S.B. 521](#), P.N. 1108, August 14, 2003, effective 180 days) -- The act amends Title 42 (Judiciary) providing for assessment, commitment and registration of sexually violent delinquent children and young adults, including provisions for an assessment by the State Sexual Offenders Assessment Board to determine whether the child has a mental abnormality or a personality disorder that results in difficulty controlling sexually violent behavior.

ACT 23 ([H.B. 1148](#), P.N. 2160, September 24, 2003, effective immediately) – The SWAP act, the act defines, and allows a local government to negotiate, an interest rate management plan, qualified interest rate management agreement, and qualified prepayment agreement. The act also provides for independent financial advisors to complete or review interest rate management plans and for interest rate risk and interest cost management.

ACT 24 ([S.B. 8](#), P.N. 1173, September 30, 2003, effective immediately with exceptions) – Comprehensive amendments to the DUI statute, specifically lowering the BAC standard for driving under the influence to .08 from .10. The act contains the lower legal limit, a tiered system of penalties and punishments based upon the degree of intoxication, a requirement for alcohol addictions assessment of all offenders, and treatment requirements. The act contains language requested by CCAP to allow for an incremental implementation schedule, which began on the effective date and continues through 2009, along with reporting requirements that will provide information on the fiscal and program impact to counties. The data will be collected by the Commonwealth and will be used in determining appropriations to counties for drug and alcohol assessment and treatment programs. Other provisions prohibit insurers from refusing to pay the costs of assessment and treatment for insured that are referred as a result of a court action, and a new "relation back" provision that is designed to reduce the defendants' use of expert witnesses who would attempt to prove that the BAC was lower at the time the individual was driving.

ACT 29 ([H.B. 77](#), P.N. 2634, October 23, 2003, effective 60 days) -- Amends Title 53 (Municipalities Generally) to provide specifically for municipal consolidation or merger

proceedings when the merger is to be undertaken concurrently with development of a home rule charter.

ACT 31 ([S.B. 164](#), P.N. 1222, October 31, 2003, effective 60 days) -- Amends Title 42 (Judiciary) to allow the court, upon county agency petition, to immediately remove a child from a foster parent who has been convicted of an offense under Title 23, Section 6344(C) (relating to information relating to prospective child-care personnel).

ACT 34 ([H.B. 538](#), P.N. 1757, November 6, 2003, effective July 1, 2003) -- Amends the Job Enhancement Act by establishing a new Technology Work Experience Internship Program, to be administered by PHEAA in conjunction with the state Workforce Investment Board. The internship program would be separate from existing federal and state work-study programs.

ACT 38 ([S.B. 68](#), P.N. 1223, November 26, 2003, effective immediately) -- Act providing for the capital budget for the fiscal year 2003-2004. A total of \$803,000,000 is appropriated, including \$538,000,000 for buildings or structures, \$186,000,000 for transportation assistance projects, \$120,000,000 for redevelopment assistance projects, \$3,000,000 for flood control projects and \$50 million for capitol projects site development.

ACT 39 ([H.B. 1854](#), P.N. 2415, December 2, 2003, effective immediately) -- Amends the General County Assessment Law further providing for valuation of property, adding that the valuation of real property must include the impact of applicable rent restrictions, affordability requirements, and that Federal or State income tax credits with respect to property would not be considered real property or income attributable to real property.

ACT 43 ([H.B. 545](#), P.N. 647, December 16, 2003, effective immediately) -- Amends the County Pension Law to provide that plan participants vest in five years rather than eight, and to provide a one year window in which counties can adopt one of two newly authorized higher benefit levels.

ACT 44 ([H.B. 44](#), P.N. 3148, December 23, 2003, effective immediately with exceptions) -- Amends the Public Welfare Code to allow Pennsylvania to opt out of a federal ban that prohibits any person with a felony drug conviction for a drug crime committed after August 22, 1996 from ever receiving public assistance benefits, recognizing that drug abuse and criminal recidivism are difficult to prevent without providing support and assistance. The act also provides for the Health Care Provider Retention Account, intended to rebate part of the cost of physician malpractice premiums.

ACT 45 ([H.B. 1133](#), P.N. 3159, December 23, 2003, effective immediately with exceptions) -- Amends the Fiscal Code to provide that a portion of restitution held for the owner by any court, public corporation, public authority or by a public officer unclaimed by the owner for more than five years from the date it first became demandable or distributable as abandoned or unclaimed property is transferred, in certain circumstances, to the Crime Victims Compensation Fund.

ACT 51 ([H.B. 521](#), P.N. 3062, December 23, 2003, effective immediately) -- The bill amends the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act to extend by three years the life of the programs. It provides for decertification and states that prior to decertifying and removing the designation of deteriorated property in a subzone, the

department would consult with county commissioners and obtain approval from a majority of the commissioners.

ACT 56 ([H.B. 1018](#), P.N. 3140, December 30, 2003, effective 90 days with exceptions) -- Amends the Public Safety Emergency Telephone Act establishing a Statewide integrated wireless E-911 State plan; for collection of an E-911 surcharge from wireless customers; and creating an Advisory Committee. The legislation also clarifies the interaction between the state police, PSAPs and counties regarding 911 data, adds members to the Advisory Committee and allows PEMA to reimburse PSP and wireless providers for the cost of E-911 services that took place between January 1, 1998 and the effective date of the legislation. The act was a CCAP priority for 2003.

ACT 61 ([H.B. 485](#), P.N. 2706, December 30, 2003, effective 60 days) -- Amends Title 42 (Judiciary) to give state and county parole officers immunity when assisting federal law enforcement officers.

ACT 9A ([H.B. 1589](#), P.N. 3161, December 23, 2003, effective immediately) -- The Supplemental General Appropriation Act of 2003. For counties, the supplemental restores funding cut in the initial budget act, including 100% funding levels for Drug and Alcohol Act 152, Intermediate punishment grants for drug and alcohol treatment, and mass transit. Funding for HSDF and BHSI is restored at 90%, and libraries are restored at about 60%, with dollars tied to the passage of separate enabling legislation. There is about \$500K in new federal funding to counties for HAVA compliance, and a new appropriation of \$15.2 million for activities to prevent military base realignment and closure.