

ACTS AFFECTING COUNTY GOVERNMENT, 2004

The following is the list of acts affecting county government that passed in 2004. 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 by clicking the link provided. Our thanks to Pennsylvania Legislative Services, from whose act summaries this list is drawn.

[Act 7](#) (H.B. 500, P.N. 3186, February 9, 2004) – This is the "Elm Street Program Act," establishing the Elm Street Program within the Department of Community and Economic Development for the purpose of assisting municipalities in preparing and implementing a revitalization strategy for established residential neighborhoods that are in close proximity to either a Main Street Program project or an existing commercial district.

[Act 10](#) (H.B. 2332, P.N. 3186, February 12, 2004) – This is the "Water and Wastewater Treatment Project Bond Act," which requires the submission to the electors at the 2004 primary election of a ballot question seeking approval for incurring indebtedness of \$250,000,000 for grants and loans for the construction, expansion, or improvement of water and wastewater infrastructure. The referendum was approved and implementing legislation was approved in [Act 218](#) (S.B. 1102).

[Act 12](#) (S.B. 778, P.N. 1391, February 12, 2004) – Recodifies major provisions from the "Job Enhancement Act", with alterations and an additional provision for Keystone Innovation Zones, within Title 12 (Commerce and Trades) of the Pennsylvania Consolidated Statutes.

[Act 22](#) (S.B. 1026, P.N. 3186, April 1, 2004) – Amends Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes by: (1) adding a new Part entitled "Economic Development Financing," which establishes the Commonwealth Financing Authority and creates various economic stimulus programs to be administered by the Authority; (2) renumbering the existing Part II (Public Authorities) of the Title as Part III; and (3) making an appropriate repeal.

[Act 23](#) (S.B. 10, P.N. 3186, April 1, 2004) – Amends Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes by adding a Chapter entitled "Infrastructure and Facilities Improvement Program," which establishes within the Department of Community and Economic Development a program to enhance the economic development of the Commonwealth by providing financial assistance in the form of multiyear grants to issuing authorities toward payment of debt service on projects.

[Act 54](#) (S.B. 319, P.N. 1030, July 2, 2004) – The bill authorizes PA to join the Interstate Compact for Juveniles and provides for the form of the compact and also imposes additional powers and duties on the Governor and the Secretary of the Commonwealth. The compact will become operative and effective when it is ratified by at least 35 other states. The Governor is authorized and directed to take such action as may be necessary to complete the exchange of official documents between PA and any other state ratifying the compact. The legislation includes a provision that establishes a State Council for Interstate Juvenile Supervision.

[Act 69](#) (H.B. 1039, P.N. 4230, July 4, 2004) – Amends the Public Welfare Code by providing for Medicaid Managed Care Organization assessments. Under the bill, the Department of Public Welfare would implement assessments as a health care-related fee (as defined in the Social Security Act) on an annual basis through periodic submissions of up to five times per year by

Medicaid managed care organizations. The fee is required to be paid, only to the extent that the revenues generated from the assessment qualify as the state share of program expenditures eligible for federal financial participation. The assessment percentage would be uniform for all Medicaid managed care organizations, as approved by the Governor, after notification to and in consultation with the Medicaid managed care organizations. Lastly, the bill provides for assessments for intermediate care facilities for mentally retarded persons.

Act 68 (H.B. 2726, P.N. 4321, July 4, 2004) – Amends the Library Code to provide for the fiscal year waiver of standards and for calculation of state aid for 2004-2005.

Act 7A (H.B. 2579, P.N. 4326, July 4, 2004) – This is the Commonwealth General Appropriation Act of 2004. Overall, the general fund budget is \$22.9 billion, an increase in spending over 2003-2004 of 4.3%. Schools were major winners, receiving historic increases in direct aid and basic education subsidy. State corrections, state police, and mass transit funding also received significant increases. The Rainy Day fund, depleted over the past several budgets, got \$190 million from the revenue surplus, and \$250 million was banked in reserve against the phase-out of the IGT, shifting funding responsibility back to the General Fund. For counties, the good news in funding under the gaming law, and somewhat encouraging COLA provisions for human services programs, were offset most notably, and most disappointing, by our failed efforts to restore the needs-based state share in the Act 148 children and youth line item.

Act 71 (H.B. 2330, P.N. 4272, July 5, 2004) – "The Slots Bill", amends Title 4 (Amusements) by authorizing gaming in the Commonwealth. The act establishes and provides for the powers and duties of the PA Gaming Control Board, and also establishes the State Gaming Fund, PA Race Horse Development Fund, PA Gaming Economic Development and Tourism Fund, Compulsive Problem Gambling Treatment Fund and the Property Tax Relief Fund. Up to 12 licenses would be awarded, for a fee of \$50 million each. The licenses each allow for up to 5,000 slot machines and two limited "resort" licenses for \$5 million each that would allow up to 500 slot machines. The Commission will have the authority to borrow against anticipated revenues to offer property tax relief. Additionally, gaming industry executives are prohibited from making political contributions, and elected officials are limited to a 5 percent interest in a share of a license. Host municipalities and counties are given four percent of annual gross proceeds and \$2.5 million is provided for treatment programs for addicted gamblers. Counties, municipalities, and school districts also receive \$.80 / acre each for state forest lands and game lands. The bill also provides for enforcement and imposes penalties for violations.

Act 72 (S.B. 100, P.N. 1789, July 5, 2004) – The Homeowner Tax Relief Act allows school districts to reduce residential property taxes up to the maximum amount permitted by the homestead provision in the Pennsylvania Constitution, establishes a formula for the distribution of state property tax relief funds, allows for electoral participation in tax burden decisions, mandates state reimbursement for nonresident Philadelphia Wage Tax deductions, and prescribes how Philadelphia must reduce its wage tax. Counties have responsibility for administering the homestead provisions, although schools are required either to perform part of the administrative duties or pay the counties to do so. The act also provides \$3 million to reimburse direct county expenses for transition expenses.

Act 77 (H.B. 1996, P.N. 4282, July 15, 2004) – Amends Title 62 (Procurement) authorizing the Department of General Services to enter into cooperative purchasing contracts solely for the use of local public procurement units or state-affiliated entities, if the number of contractors under a

previously existing contract for the same supply or service is reduced to a single contractor or reduced by more than 50% of the number existing on September 30, 2003, and would award such contracts using an invitation for bids. The bill also defines "equipment and project costs" and "industry engineering standards," adding that an improvement that is not causally connected to an energy conservation measure may be included in a guaranteed energy savings contract if it meets certain requirements.

Act 83 (S.B. 508, P.N. 1727, July 15, 2004) – Amends the Municipal Claim and Tax Lien Law by shortening to nine months from one year the time period for the owner of a property sold under the law to redeem the property, and shortening from six months to three months the period from the date of sale for other interested parties to file claim of a not-discharged interest.

Act 87 (S.B. 979, P.N. 1779, July 15, 2004) – Reenacts and amends the Child Victims and Witnesses section of Title 42 (Judiciary). The amendment modifies language affected by *Maryland v. Craig*, the United States Supreme Court decision that allows videotaped deposition by child victims.

Act 91 (S.B. 1100, P.N. 1573, July 15, 2004) – Amends the General County Assessment Law by providing that after any county makes a county-wide revision of assessment of real property or changes its established predetermined ratio, each political subdivision that levies its real estate taxes for the first time on that revised assessment or valuation must first reduce its millage rate downward so that property tax revenues collected would not exceed those collected on the prior year's duplicate. After doing so the political subdivision, by a separate vote, can increase the millage so that total collections do not exceed prior year collections by more than 10%. The provision is comparable to limitations in prior law, but now requires two votes rather than one. In addition, the prior provision allowing a higher rate with court approval is retained. The legislation amends only the General County Assessment Law, and so affects only 2A and 3rd class counties since the 4th-8th limitation is in the 4th-8th Class County Assessment Law.

Act 97 (S.B. 346, P.N. 1864, October 8, 2004) – Amends the Election Code to 1) exempt candidates for uncompensated elected offices of boroughs, towns or townships (of all classes) from the requirement that they pay a filing fee in connection with the filing of their nominating petitions; 2) establish an automatic recount procedure for statewide races in which the margin of victory is 0.5 percent or less; 3) establish a chain of custody for provisional ballots between the time such ballots are cast and the time they are counted; 4) create a process for challenging provisional ballots that mirrors the process for challenging absentee ballots; 5) allow a poll watcher to serve in any election district in his or her county of residence during the conduct of an election; 6) permit watchers to inspect and review the district register, the voting check list and the numbered list of voters during intervals in which they are not in use by the election officials; and 7) allow minority party inspectors to retain copies of the numbered voters, the verifications of eligibility and the oaths of election.

Act 98 (S.B. 1222, P.N. 1820, October 8, 2004) – An Act stating that the standards adopted by the Voting Standards Development Board, and published by the Department of State in the *Pennsylvania Bulletin* Vol. 33, No. 31, on August 2, 2003, will have the force and effect of law for the general election in 2004, reversing a court decision that had deemed the standards "a statement of policy" and not legally binding.

[Act 100](#) (H.B. 2022, P.N. 4073, November 19, 2004) – Amends the Assessors Certification Act by adding second class counties (Allegheny County) to the requirements of the act, and allowing assessors who are employees of the county prior to the effective date of the legislation to have three years to become certified.

[Act 112](#) (S.B. 217, P.N. 1758, November 19, 2004) – Amends Title 42 (Judiciary) further providing for sentencing. The PA Commission on Sentencing is authorized to adopt guidelines to identify offenders who would be eligible and appropriate for participation in county intermediate punishment programs. The commission may also adopt guidelines to identify offenders who may be appropriate for participation in state intermediate punishment programs. In determining the sentence to be imposed the court would consider and select one or more of a list of alternatives, and may impose them consecutively or concurrently. The act also adds a chapter on State Intermediate Punishment. Lastly, Section 2151 of title 42 of the PA Consolidated Statutes is repealed.

[Act 122](#) (H.B. 138, P.N. 4594, November 23, 2004) – Amends the Vital Statistics Law providing for the vital statistics improvement account; and further providing for local registrars' fees, for reports to county registration commissions and for issuance of certificates of death. The legislation establishes the Vital Statistics Improvement Account into which \$3 of the \$6 fee assessed upon death certificates by local registrars and \$1 of the \$9 fee assessed on death certificates when there is no local registrar would be deposited. Moneys paid into the vital statistics improvement account would be distributed one-third to the county coroner or medical examiner of each county proportionate to the number of deaths in the county as a percentage of the total deaths occurring in the prior calendar year, and the remaining funds would be retained in the account to be used for administrative expenses of the department for implementing and maintaining the system. County coroners or medical examiners would use the funds received for the purposes of laboratory or necropsy room modernization, including supplies, equipment, training and office and laboratory facility improvement or the modernization of equipment used for forensic investigation.

[Act 144](#) (H.B. 2719, P.N. 4482, November 23, 2004) – Amends Title 23 (Domestic Relations) by abolishing common law marriage after January 1, 2005. The legislation also adds that a marriage license may not be issued prior to the third day following submission of the application, except in case of emergency or extraordinary circumstances or if an applicant is a member of the PA National Guard or other reserve component of the armed forces and is called to active duty.

[Act 147](#) (S.B. 137, P.N. 1921, November 23, 2004) – Amends "an act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," providing for consent to treatment; and release of medical records. The bill establishes procedures for allowing minors 14 years or older to seek outpatient mental health treatment without parental consent, and also allowing parents to sanction voluntary outpatient (or inpatient with a doctor's recommendation) mental health treatment on behalf of a minor without the minor's consent.

[Act 152](#) (S.B. 92, P.N. 1995, November 24, 2004) – Amends Titles 18 (Crimes and Offenses) and 42 (Judiciary) by, among other things, providing for registration of sexual offenders and for related records.

[Act 154](#) (H.B. 1211, P.N. 4768, November 29, 2004) – Amends the Public Welfare Code further providing for the Health Care Provider Retention Account and providing for increasing the personal needs allowance deduction to at least \$40 per month for medical assistance eligible persons in nursing facilities for clothing and other personal needs. The allowance would be deducted from a person's gross income for purposes of determining the amount that person must pay toward the cost of skilled health care and intermediate services or intermediate care while residing in a nursing facility.

[Act 155](#) (H.B. 1860, P.N. 4744, November 29, 2004) – Amends The County Code to state that the board of commissioners of any third class county (Westmoreland) that is contiguous to a county of the second class may, by ordinance, create or disband a county park police force within the county. This police force would have jurisdiction of the county's parks. The legislation also allows counties to join with the Commonwealth, a political subdivision or a redevelopment authority in the purchase of real estate for the purposes of community and economic development or to grant funds to the Commonwealth, a political subdivision or a redevelopment authority for the purposes of supporting community and economic development projects. Additionally, the definition of "convention center" and "convention center facility", applying to Erie County, would include hotels.

[Act 160](#) (H.B. 2308, P.N. 4745, November 29, 2004) – Amends Title 23 (Domestic Relations) by adding a section that requires the Department to establish criteria for suitability as prospective foster or adoptive parents. The criteria must include information such as previous addresses, criminal and abuse background clearance, composition of the resident family unit and evidence of financial stability. Such information would be provided by the adoptive/ foster parents and any individual over the age of 18 residing in the home. The legislation assures that information provided by foster parents be kept confidential.

[Act 161](#) (H.B. 2315, P.N. 3236, November 29, 2004) – Amends the Real Estate Tax Sale Law by adding that a court may fix a common date and place of sale for more than one property to be sold. Also, if a Tax Claim Bureau has more than one property on which it was unable to obtain a bid sufficient to pay the upset price, it may petition the court for it to authorize a combined sale of two or more of the properties.

[Act 168](#) (H.B. 2638, P.N. 4649, November 29, 2004) – Amends the Real Estate Tax Sale Law by adding that a taxing district may assign some or its entire portion of the claims to a third party for an amount to be determined by the taxing district. A claim docketed by the bureau may be divisible so that one taxing district may assign its portion of the claim, but another taxing district may retain its portion. The act also establishes the requirements that will apply upon such an assignment.

[Act 172](#) (H.B. 2980, P.N. 4689, November 29, 2004) – Amends the Local Health Administration Law further defining "municipality;" further providing for creation of county health departments of health, for dissolution of and withdrawal from county departments of health and for establishment of county departments of health; and providing for municipalities with intergovernmental cooperation agreements. The legislation adds second class townships to the definition of "municipality." The act allows the governing body of a municipality to choose to abolish a local health department by a majority vote or referendum (currently they can only be abolished by referendum).

[Act 173](#) (S.B. 72, P.N. 1998, November 29, 2004) – Amends Title 18 (Crimes) adding public utility employees, employees of an electric cooperative and legal representatives of a county children and youth social service agency to the list of officials enumerated under the aggravated assault law. The legislation also redefines "criminal justice agency" to include the facilities and administrative offices of the Department of Public Welfare that provide care, guidance and control to adjudicated delinquents. Lastly, the act allows expungement of criminal history record information when a person 21 years of age or older who has been convicted of a violation relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

[Act 179](#) (S.B. 432, P.N. 1901, November 29, 2004) – Amends the Public Safety Emergency Telephone Act further providing for wireless E-911 emergency services fund by clarifying retroactivity rules for reimbursements from the fund.

[Act 183](#) (H.B. 30, P.N. 4778, November 30, 2004) – Title 66 (Public Utilities) by, among other things, reinstating the Chapter 30 regulations intended to provide for accelerated broadband deployment.

[Act 186](#) (H.B. 850, P.N. 4799, November 30, 2004) – Comprehensive amendments to contracting and related provisions of the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for findings and declaration of policy and for tax relief; repealing provisions relating to reimbursement to school districts of the first class A; and making editorial changes.

[Act 188](#) (H.B. 1262, P.N. 4078, November 30, 2004) – Amends Title 23 (Domestic Relations) and Title 75 (Vehicles) by creating The Domestic and Sexual Violence Victim Address Confidentiality Act, which establishes a new system to create and maintain confidentiality of the addresses of victims of domestic violence.

[Act 194](#) (H.B. 2036, P.N. 4779, November 30, 2004) – Amends Title 20 (Decedents, Estates and Fiduciaries) to provide a means for competent adults to control their mental health through instructions written in an advance directive or through a mental health agent.

[Act 195](#) (H.B. 2055, P.N. 3423, November 30, 2004) – Amends Title 51 (Military Affairs) further defining "soldier" in order to give National Guardsmen and women who are called into active service the same "veteran's preference" as those serving in the other armed forces.

[Act 198](#) (H.B. 2270, P.N. 3121, November 30, 2004) – Establishes the Family Support for Persons with Disabilities Act to requiring the Department of Public Welfare to implement a statewide program of family support services for families of disabled persons.

[Act 206](#) (S.B. 892, P.N. 1785, November 30, 2004) – Amends the Pennsylvania Municipalities Planning Code by adding that review fees may include fees paid to an attorney engaged by the municipality for services related to a review of plats or development plans submitted to the municipality.

[Act 207](#) (S.B. 904, P.N. 1905, November 30, 2004) – Amends Titles 18 (Crimes), 23 (Domestic Relations), 34 (Game), 42 (Judiciary), 53 (Municipalities), 74 (Transportation) and 75 (Vehicles) defining "magisterial district judge" and replacing all references of "district justice" with "magisterial district judge."

[Act 208](#) (S.B. 912, P.N. 1987, November 30, 2004) – Amends Title 3 (Agriculture) by adding a chapter entitled The Crop Insurance Law, which establishes a program in the Department of Agriculture to encourage producers of agricultural commodities to purchase federal crop insurance and adopt risk management practices, and to provide crop insurance financial assistance, subject to the availability of funding, to eligible producers for crop insurance premium costs. The issue was the subject of a CCAP resolution.

[Act 209](#) (S.B. 927, P.N. 1323, November 30, 2004) – Amends the County Code by changing the number of governing board members of a third class county convention center authority. The bill also defines "market area" in relation to the Hotel Room Rental Tax.

[Act 210](#) (S.B. 931, P.N. 1950, November 30, 2004) – Amends the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act by extending the Postsecondary Educational Gratuities Program to certain children of sheriffs, deputy sheriffs and certain PA residents who are on federal or state active military duty. The act is retroactive to September 11, 2001 and is effective immediately.

[Act 213](#) (S.B. 1030, P.N. 1973, November 30, 2004) – The Alternative Energy Portfolio Standards Act requires certain performance standards in relation to alternative energy. Within 15 years of the effective date, at least 15.2% of electric energy sold by a distribution company or electric generation supplier to a retail customer in PA must be generated from alternative energy sources. The act also provides for solar photovoltaic and other solar energy shares and hydropower and establishes an Alternative Energy Tradable Credits Program and provides for net metering.

[Act 214](#) (S.B. 1032, P.N. 1920, November 30, 2004) – Amends Title 54 (Names) to set standards for court approval for an individual to change his or her name, including criminal record checks.

[Act 217](#) (S.B. 1099, P.N. 1979, November 30, 2004) – Amends Title 42 (Judiciary) creating additional Common Pleas judgeships in certain judicial districts. The act also provides for summary offenses, for consent decrees, for compulsory arbitration, for disposition of delinquent children and for sentences for offenses against infants.

[Act 218](#) (S.B. 1102, P.N. 1991, November 30, 2004) – Amends Titles 12 (Commerce & Trade) & 64 (Public Authorities and Quasi-Public Corporations) establishing the criteria for eligibility for and administration of the \$250 million sewer and water improvement bond issue.

[Act 222](#) (H.B. 197, P.N. 4802, December 1, 2004) – Amends the Local Tax Enabling Act including, among other things, replacing the \$10 "occupational privilege tax" with a new "emergency and municipal tax" of up to \$52.

[Act 233](#) (S.B. 59, P.N. 2000, December 1, 2004) – Amends Title 42 (Judiciary) by adding that prior to the release of an inmate from a county correctional facility to state or county probation or parole supervision, the facility must provide to the inmate any current medications prescribed and any customary and necessary medical supplies as determined by the prescribing physician. The act also authorizes the Pennsylvania Commission on Crime and Delinquency to allocate any surplus funds in the Constables' Education and Training Account to assist constables and deputy constables with costs associated with attendance at continuing education programs.

[Act 235](#) (H.B. 657, P.N. 4772, December 8, 2004) – Amends the Pennsylvania Farmland and Forest Land Assessment Act to reinstate the ability of counties to remove the preferential assessment on a base acre in forest reserve and agricultural reserve properties enrolled in Clean and Green, while maintaining the preferential assessment for the entirety of properties enrolled as agricultural use. The act also allows "agritainment" on enrolled properties without jeopardizing the preferential assessment. The legislation was a CCAP priority for 2004.

[Act 238](#) (H.B. 994, P.N. 4760, December 8, 2004) – The Transit Revitalization Investment District Act authorizes public transportation agencies throughout this Commonwealth to work cooperatively with counties, local governments, transportation authorities, the private sector and the National Railroad Passenger Corporation (AMTRAK) and other providers of public transportation and passenger rail services to create and designate Transit Revitalization Investment Districts (TRIDs) which provide a financing and administrative mechanism to promote redevelopment along transit corridors.