

ACTS AFFECTING COUNTY GOVERNMENT, 2005

Following is a list of acts affecting county government that passed in 2005. 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 (H.B. 2, P.N. 1618, April 13, 2005) -- Placed a question on the May 2005 primary ballot asking voters whether to approve incurring indebtedness of up to \$625 million for maintenance and protection of the environment, open space and farmland preservation, watershed protection, abandoned mine reclamation, acid mine drainage remediation and other environmental initiatives. The bond initiative that became Growing Greener II was approved by a 2 to 1 margin. Implementing legislation was subsequently enacted as [Act 45](#) of 2005.

ACT 3 (S.B. 69, P.N. 0650, June 15, 2005) -- Amends Title 42 (Judiciary and Judicial Procedure) to provide immunity from liability for an employer distributing information upon request for references by either a prospective employer or a former or current employee as long as the employer giving the information for a reference is not intentionally giving out false information.

ACT 5 (S.B. 464 P.N. 0765 June 15, 2005) -- Amends the Unemployment Compensation Law and reverses a court decision that had established that a third party in an unemployment compensation hearing must be represented by an attorney. Third parties are no longer required to be represented by an attorney in unemployment compensation proceedings.

ACT 12 (H.B. 157, P.N. 2428, July 5, 2005) -- Amends provisions of the County Code dealing with the hotel tax and the hotel room rental tax. The Act clarifies the allowable uses of the tax, primarily for tourism promotion purposes but also for other projects that benefit tourism and do not compete with the private sector. A penalty for failure to remit the hotel tax or excise tax in a timely manner was added. Tourism promotion agencies must submit an annual report to the county commissioners in their county detailing income and expenditures from revenue generated by each tax. The definition of a temporary resident was amended to shorten the time of stay from 60 days to 30 days. Certain third class counties are authorized to impose a hotel room rental tax of 4% on rooms rented by temporary residents. These counties can collect a penalty of 1.5% for failure to remit the tax in a timely manner, and the county is authorized to file a lien upon the hotel to collect debts.

ACT 38 (H.B. 1646, P.N. 2433, July 6, 2005) -- Better known as the Agriculture, Communities and Rural Environment (ACRE) initiative, this act amends the Agriculture Code establishing a system for the office of attorney general to review claims by the owner or operator of a farm who believes a municipal ordinance to be unauthorized. If the attorney general believes the ordinance is unauthorized, he may bring action against the local government unit in Commonwealth Court. The bill also establishes that new and expanding concentrated animal operations and concentrated animal feeding operations must develop and implement odor management plans based on best management practices. Finally, the act prohibits land application of manure within 100 feet of surface water unless a vegetated buffer of at least 35 feet is in place.

ACT 40 (H.B. 176, P.N. 2565, July 7, 2005) -- The Department of Revenue is authorized to enforce collection of the local real estate transfer tax under this act, which also makes the Recorder of Deeds responsible to receive transfers from the Department on behalf of, and make pay-outs to, the appropriate municipalities and schools for tax, interest and penalty collected under the act. Any local real estate transfer tax not paid can be entered as a lien against the property.

ACT 41 (H.B. 182, P.N. 2563, July 7, 2005) -- Authorizes the temporary use of \$72.2 million in Tobacco Settlement Funds during FY 2005-2006 to offset long term care costs for the elderly and disabled. The act also puts a freeze on 25% of the money in that fund for fiscal year 2005-2006, resulting in less money available for prevention and cessation programs.

ACT 42 (H.B. 1168, P.N. 2560, July 7, 2005) -- The act amends the Welfare Code to make a number of changes in DPW administration of Medicaid and related matters, including for counties changes in calculation of nursing home rates and, for all nursing homes, a temporary allowance for DPW to bypass the regulatory process when setting annual rates.

ACT 43 (S.B. 86, P.N. 1054, July 7, 2005) -- Authorizes the county child protective services agency to investigate complaints that are received in another state on behalf of a child that is a resident of Pennsylvania when the other state cannot investigate due to statutory or policy limitations. Information obtained in such an investigation must be shared with the other state's child protective services agency within seven days of the completion of the investigation.

[ACT 44](#) (H.B. 1521, P.N. 2570, July 7, 2005) – This is the legislative, judicial, and administrative pay raise bill. For counties, it changed the method of computation of the DA salary. The full time DA, instead of the previous \$1,000 less than the judge, would be compensated at 95% of the salary of the judge. For part time DAs, the salary would be 60%, 50%, or 40% of the DA salary, based on class of county; under prior law the percentage was calculated against the salary of the judge. The act was subsequently repealed by [Act 72](#) of 2005.

[ACT 45](#) (H.B. 3, P.N. 2571, July 13, 2005) -- Implementing legislation for the Growing Greener II bond initiative. This act resulted in \$90 million being allocated to counties to use for local Growing Greener-eligible environmental projects and \$80 million to the Department of Agriculture for farmland preservation. The law also includes \$230 million to the Department of Environmental Protection for various water and land use projects, \$217.5 million to DCNR for improvements to parks, \$50 million to the Department of Community and Economic Development for Main Street and downtown redevelopment, and \$47.5 million to the Game Commission for capital improvements to existing lands and facilities.

[ACT 57](#) (S.B. 565, P.N. 1038, July 14, 2005) – Amends the County Code to make district attorneys in counties of the third, fourth, fifth, sixth, seventh and eighth class full time. In third through seventh class counties, all DAs will become full time by 2010, although a DA can become full-time as soon as January 2006 if the DA provides notice to the chair of the county commissioners and the appropriate state officials that he or she chooses to serve full time. DAs who have not chosen to become full time immediately must declare at their next election whether they are running for full time or part time. District attorneys in counties of the eighth class can be made full time only if the commissioners pass an ordinance authorizing full time status, or the president judge orders that the DA position be full-time based on criteria established in the law. The state will reimburse counties with a full-time district attorney for 65% of the district attorney's salary.

[ACT 61](#) (H.B. 619, P.N. 2656, November 1, 2005) -- Amends the Agricultural Area Security Law to allow viable agricultural lands used for commercial equine activities to be included in an agricultural security area. The bill also authorizes counties to establish minimum criteria for agricultural lands used for commercial equine activities to be included in the county's purchase of agricultural conservation easements.

[ACT 68](#) (H.B. 127, P.N. 2996, November 16, 2005) -- The Resource Family and Adoption Process Act states that a resource family parent or parents would be given an interview with the appropriate county or private agency when all of the following occur: (1) the county or private agency that placed the child with that resource family has changed the child's goal from foster care to adoption; (2) the resource family parent is interested in becoming an adoptive resource for that child; and (3) the child has resided with that resource family for six months or more. In addition to information obtained from interviews of other prospective adoptive families, the interviewing agency would convey information obtained from the interview with the resource family parent to the county agency responsible for making the determination as to adoptive placement of the child.

[ACT 70](#) (H.B. 1361, P.N. 1636, November 16, 2005) -- Amends the Community Services Block Grant Act to extend expiration of the act from December 31, 2006 to December 31, 2011.

[ACT 71](#) (H.B. 1743, P.N. 2944, November 16, 2005) -- Amends the Second Class County Code to require Allegheny County and political subdivisions within the County to adjust millage rates in the year following a reassessment to remain revenue-neutral compared to the previous year. Each taxing jurisdiction may then make a separate decision to raise taxes, with the millage rate set not to exceed 105% of the total property tax revenue received by that jurisdiction in the preceding year. In addition, a property owner appealing an assessment must pay taxes based on the amount being appealed.

[ACT 72](#) (H.B. 1956, P.N. 3104, November 16, 2005) -- This act repeals the legislative, executive and judicial pay raises that were originally enacted under Act 44. Act 44 also changed the method of computation of district attorneys; with the repeal the method of computation reverts to the prior provisions of the County Code.

[ACT 73](#) (H.B. 1579, P.N. 2997, November 22, 2005) -- The Resource Family Care Act establishes certain responsibilities of county and private agencies regarding resource families, which are defined as a family which provides temporary foster or kinship care for children who need out-of-home placement and may eventually provide permanency for those children, including a foster or adoptive family. Agencies must provide notification of scheduled meetings by the county or private agency concerning a child residing with a resource family, along with support services, information about the child's history, and other things provided in the act. The act also requires the appropriate county or private agency to give all resources families a copy of these responsibilities when a family is approved as a resource family.

[ACT 81](#) (H.B. 1539, P.N. 3176, December 16, 2005) -- Provided an additional appropriation of \$23 million to the Emergency Energy Assistance Fund administered by Department of Public Welfare to aid Pennsylvanians in need with elevated home heating costs.

[ACT 91](#) (S.B. 573, P.N. 1382, December 22, 2005) -- Amends the Fourth to Eighth Class County Assessment Law to require a two-step process if a political subdivision wishes to increase real estate taxes during the first year following a countywide reassessment or revision of valuation. This act makes the Fourth to Eighth Class

County Assessment law consistent with changes made to the General County Assessment Law in Act 91 of 2004, which requires that the subdivision must establish a revenue-neutral millage rate during the year following a countywide reassessment or revision of valuation, and then a taxing jurisdiction that wishes to increase property taxes can do so by a separate vote, but are limited to a rate that yields no more than 105% (110% for school districts) over the amount collected on property taxes the year before.

[ACT 94](#) (S.B. 712, P.N. 1410, December 22, 2005) -- Requires any entity that maintains, stores or manages computerized data to provide notice of any breach in security of the system to any resident of the Commonwealth if the entity has reason to believe or knows that an unauthorized person has accessed unencrypted and unredacted information such as a social security number, driver's license number, or financial account number. This does not include information that is lawfully made available to the public from local government records.