

ACTS AFFECTING COUNTY GOVERNMENT, 2006

Following is a list of acts affecting county government that passed in 2006. 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 4 (HB 87, P.N. 81, February 2, 2006) -- Gives counties, school districts and municipalities the option to freeze the current tax rate on any or all of the following types of properties: conservation easements acquired for preservation of open space, conservation easements acquired under the Agricultural Security Area law, or property for which Transferable Development Rights (TDRs) have been acquired and retired by a local government unit. The exemption does not become effective until the governing body of each taxing district takes action to approve the exemption.

ACT 7 (HB 1114, P.N. 1946, February 14, 2006) -- Requires an individual to acquire a permit before constructing, altering, operating or utilizing a waste tire recycling facility. Waste tire haulers are required to be licensed by the Department of Environmental Protection, and the Environmental Quality Board is given authority to adopt regulations to encourage beneficial use and recycling of waste tires.

ACT 12 (HB 459, P.N. 3383, February 21, 2006) -- Amends the Real Estate Tax Sale law to allow a local taxing district to accept donation of a property that is subject to a tax claim in order to satisfy that claim. A local taxing district that chooses to accept a donation must notify all other local taxing districts with a tax claim on the property, and the other taxing authorities have 30 days to respond with interest in participating in the negotiations to extinguish all or part of its liens. The donation must be recorded with the county recorder of deeds, and it is exempt from tax claims by other local taxing districts during the time it is in ownership of a local government. Donations must be made before the owner receives a notice of sale.

ACT 17 (SB 509, P.N. 806, February 21, 2006) -- Adds claims by political subdivisions to the list of claims payable by the representative of a decedent's estate if the assets of the estate are insufficient to pay the claims in full.

ACT 18 (SB 640, P.N. 1491, February 21, 2006) -- Amends the Municipal Claim and Tax Lien Law to allow counties and other taxing authorities to accept donation of a property that is subject to a tax claim. A municipality that chooses to accept a donation must notify all other municipalities and allow the municipalities 30 days to respond with a request to participate in the negotiations for donation and extinguishment of all or part of its liens. The deed must be recorded with the county recorder of deeds, and the property shall be exempt from claims for taxes from all the municipalities during the time that it remains in the ownership of the entity to which it was donated. Prothonotaries, or the equivalent thereof, would be required to maintain as a public record a list of all properties against which taxes were levied, the whole or any part of which were due and payable in a prior year and which remain unpaid. The legislation also adds that claims for taxes, water rents, or rates, lighting rates, power rates and sewer rates may be in the form of lists showing the names of the taxables, including the name and last known address, with its zip code, of the owner of each property against which a claim is being filed.

ACT 23 (HB 200, P.N. 3732, April 12, 2006) -- Establishes the Ounce of Prevention Program which would provide two-year grants to entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families. Grant applicants must provide matching funds in the amount of 25% of the program costs. No funding was appropriated in this bill.

ACT 26 (SB 969, P.N. 1554, April 13, 2006) -- Imposes stricter penalties for a liquor licensee who sells alcohol to minors.

ACT 27 (HB 213, P.N. 3115, April 14, 2006) -- Establishes an offense of eco-terrorism, which is defined as a specific offense against property with the intent to intimidate or prevent an individual from lawfully participating in an activity involving animals or natural resources. A person convicted of eco-terrorism would be required to pay the owner of damaged property restitution, attorney fees and court costs in addition to any other penalty imposed. The bill also makes it a felony of the second degree to intentionally or knowingly damage any field crop, vegetable or fruit plant or tree that is grown for scientific or commercial purposes.

ACT 34 (HB 2054, P.N. 3848, May 4, 2006) -- Creates the Eminent Domain Code, which provides a complete procedure and law to govern all condemnations of property for public purposes, and the assessment of damages. The bill establishes a specific procedure for condemnation of agricultural lands, determining damages and just compensation for eminent domain takings, and the procedure that must be followed when condemning a property.

ACT 35 (SB 881, P.N. 1738, May 4, 2006) -- Prohibits the exercise by any condemnor of the power of eminent domain to take private property in order to use the property for private enterprise. The prohibition would not apply if: (1) the condemnee consents to the use of the property for private commercial enterprise or the condemnee does not file or does not prevail on preliminary objection filed to a declaration of taking for the acquisition of condemnee's property; (2) the property taken is transferred or leased to a common carrier or a private entity that occupies an incidental area within a public project; (3) there is, on or associated with the property taken, a threat to public health or safety; (4) the property taken is abandoned; or (5) the property taken meets the requirements relating to eminent domain in redevelopment areas. The law also establishes criteria for declaring an area blighted and allows a condemnor to use eminent domain to acquire property within a blighted area. No political subdivision is allowed to exercise eminent domain against land that is situated in another political subdivision without approval of the subdivision in which the land is situated.

ACT 36 (HB 15, P.N. 4008, May 11, 2006) -- Provides that up to 45% of the money deposited into the Substance Abuse Demand Reduction Fund each fiscal year can be used by non-profit organizations to provide prevention, intervention, treatment and education services to reduce substance abuse.

ACT 40 (HB 601, P.N. 3940, May 11, 2006) -- Costs of chemical testing to determine the amount of alcohol or a controlled substance would be paid by the individual tested if the individual is convicted or placed into a pre-adjudication program, or was adjudicated delinquent, or by the requesting authority if the person was found not guilty.

ACT 44 (SB 999, P.N. 1790, May 12, 2006) -- Amends the Election Code with the following new provisions: 1) increasing the minimum pay for poll workers to \$75 for judges of elections and inspectors of elections, and \$70 for machine operators; 2) requiring counties to find an alternate polling location for private residences and licensed liquor establishments that are used as polling places unless there is no other alternatives; 3) requiring notices regarding voters' rights and instructions for voting to be posted at polling places; 4) requiring advertisement of polling places no later than 20 days before the election; and 5) making additional specifications regarding canvassing of absentee ballots.

ACT 46 (SB 723, P.N. 1772, May 15, 2006) -- Authorizes eligible nonprofit entities to partner with counties and other governmental entities to purchase conservation easements. Counties are also allowed to accept donations of conservation easements, and can use up to \$5,000 of their state conservation easement fund allocation for costs incurred by the donation of the easement. Counties have the option to reduce the minimum acreage for the county farmland preservation program to 35 acres under certain conditions, but only 50% of the purchase price per acre is eligible for state farmland preservation dollars.

ACT 59 (SB 303, P.N. 1780, June 29, 2006) -- Increases constable fees, and includes language to prevent constables from double-billing for certain acts.

ACT 60 (SB 601, P.N. 1791, June 29, 2006) -- Prohibits political subdivisions from publicly posting a Social Security number, printing the number on any cards required for individual access to products or services, requiring an individual to transmit his or her Social Security number over an insecure connection on the Internet, or print a Social Security number on materials mailed to an individual unless Federal or State law requires the number to be on the document mailed. This section does not apply to a document that originated with, or is filed with, recorded in, or is maintained by any court component or part of the unified judicial system. It also does not apply to any document that is required by law to be open to the public and originates with, or is filed, recorded or maintained by, any government agency, instrumentality, or taxing authority.

ACT 66 (HB 1992, P.N. 4516, July 5, 2006) -- This legislation contained implementing language for the 2006-2007 Commonwealth Budget. The act includes provisions CCAP sought, including a requirement that the Department of Revenue consult with CCAP on utilization of TANF transition funds, which allowed the Association to negotiate utilization of the funds for local match for Act 148 or detention services.

ACT 76 (HB 1326, P.N. 4044, July 7, 2006) -- The At-Risk Elderly Wireless Emergency Telephone Program would authorize the Department of Aging to administer the program and develop a request for proposal (RFP) to provide each Area Agency on Aging the opportunity to enter into a public-private partnership with wireless telecommunications carriers to provide at-risk elderly persons with immediate access to 911 emergency services, as well as the appropriate protective services unit. The bill states that each AAA that participates in the program would establish specific guidelines regarding the administrative and operating procedures of the program, including the acceptance of eligible participants and carrying out the RFP process. Participation in the program would be at the option of the AAA.

ACT 80 (HB 1725, P.N. 3757, July 7, 2006) -- Requires tax collectors to obtain six hours of continuing education credits during each year of the term of office. Tax collectors have legal custody of tax collection records that are not in the custody of a local taxing district.

ACT 85 (HB 2383, P.N. 4459, July 7, 2006) -- Amends the Liquor Code, providing that failure by the governing body of a municipality to render a decision within 45 days of the applicant's request for approval for a liquor license shall be deemed an approval of the application in terms as presented unless the governing body has notified the applicant in writing of their election of time not to exceed 60 days. Failure by the body to render a decision during the extension shall be deemed approval of the application.

ACT 88 (HB 2441, P.N. 3510, July 7, 2006) -- Allows counties and municipalities to use electronic bidding and reverse auctions to obtain goods and services. Requirements for invitation of bids, public notice and advertisement are consistent with other laws for bidding and purchasing.

ACT 95 (SB 243, P.N. 1836, July 7, 2006) -- Extends Heart and Lung Act benefits to sheriffs and deputy sheriffs.

ACT 96 (SB 332, P.N. 1777, July 7, 2006) -- Requires an adopting parent to file a properly authenticated copy of the decree of adoption, the child's visa and birth certificate or some form of birth identification with the clerk of the court. If the court determines the adoption to be full and final, a certificate of adoption will be issued to the parent.

ACT 97 (SB 651, P.N. 1987, July 7, 2006) -- Amends the Library Code with changes to eligibility for state aid to libraries.

ACT 102 (SB 868, P.N. 1970, July 7, 2006) -- Increases the payment in lieu of taxes for counties, school districts and municipalities for state lands to \$1.20 per acre, from \$.40 per acre. The increase will be implemented when gaming dollars are available to fund the increase.

ACT 109 (SB 1205, P.N. 1869, July 7, 2006) -- Overdue child support would be a lien by operation of law against the net proceeds of any monetary award, and distribution of any such award would be stayed in an amount equal to the child support lien provided for under this section pending payment of the lien. The bill also provides for electronic payments from the state disbursement unit and requires employers with 15 or more employees to make payments to the state disbursement unit electronically.

ACT 110 (SB 1224, P.N. 1955, July 7, 2006) -- Creates a non-lapsing fund into which state allocations for Conservation Districts are deposited, with interest generated by Commonwealth appropriations remaining in that fund.

ACT 124 (HB 2472, P.N. 4580, October 27, 2006) -- Establishes the Farmer's Market Development Program to disburse grants for the cost of developing a business plan for a new farmer's market, predevelopment costs, promotion of an existing farmer's market, staffing costs, purchase of materials and equipment for a farmer's market, and nutrition, education, and outreach for existing food assistance programs. Local governments would be eligible to apply for the grants, which will not exceed \$10,000 per market location. No funding was appropriated for the program in this bill.

ACT 126 (SB 63, P.N. 1988, October 27, 2006) -- Requires that whenever a county agency transfers to another county agency a file relating to a child who receives or is in need of protective services, the file must include any photographic identification and an annually updated photograph of the child.

ACT 128 (SB 972, P.N. 2098, October 27, 2006) -- Extends the MCARE Abatement Program under the Health Care Provider Retention Program through 2007.

ACT 132 (SB 1158, P.N. 1661, October 28, 2006) -- A local taxing authority which levies a tax on residential property is authorized to provide a residential visitability design tax credit against a real property tax levied on the property. The tax credit would be limited to any new or renovated dwelling that contains visitability design features which will enhance the usability of the dwelling for persons with significant mobility impairment. The amount of the tax credit would be determined by the governing body and would not exceed \$2,500, or the total amount of the increased amount of property taxes owed during the first five years from the time the tax credit is approved, whichever is less.

ACT 137 (HB 469, P.N. 4847, November 9, 2006) -- Amends the Election Code to provide that an elector who is not able to file an application for an absentee ballot on or before the first Tuesday before the primary or election has until 5:00 p.m. the Friday before the primary or election to fill out an emergency application. Between 5:00 p.m. on Friday and 8:00 p.m. the day of the election, an elector who is not able to vote in person can seek approval from a judge for an emergency absentee ballot.

ACT 140 (HB 1902, P.N. 4662, November 9, 2006) -- Extends the sunset date on the state tipping fee for funding of municipal recycling programs for three years, to January 1, 2012. The bill also establishes additional criteria for municipal recycling grants. Municipalities who do not currently meet these criteria must use their municipal recycling grants to meet those criteria before the grants can be used for other programs.

ACT 142 (HB 2185, P.N. 4817 November 9, 2006) -- Changes the date by which a county controller must make reports to the Department of Community and Economic Development from April 1 to July 1. The law also prohibits counties from assessing billboards for property tax purposes.

ACT 143 (HB 2447, P.N. 3982 November 9, 2006) -- Includes transportation costs and other costs associated with prosecution in the list of costs that are recoverable from a defendant.

ACT 146 (HB 2670, P.N. 4849 November 9, 2006) -- Directs the Department of Public Welfare to establish peer review panels which can evaluate state and local child welfare agencies for effectiveness of the child welfare system, as well as review the extent to which child protective services are coordinated with foster care, and review child fatalities and near fatalities. Health care providers are also required to report an infant that is identified as being affected by an illegal substance to the county agency.

ACT 147 (HB 2738, P.N. 4760, November 9, 2006) -- Amends the Worker's Compensation Act, establishing a resolution and mediation process for worker's compensation claims. The worker's compensation judge must set a mandatory trial schedule at the first hearing, including a mediation conference unless waived by the judge. A resolution hearing procedure must also be created to expedite a hearing on a compromise and release claim.

ACT 158 (HB 2003, P.N. 2754, November 29, 2006) -- Amends the County Code to remove the requirement for county commissioners to obtain court approval before appointing special counsel.

ACT 167 (SB 514, P.N. 2124, November 29, 2006) -- Authorizes counties to assess property taxes on the capitalized value of the land lease agreements for wind towers, and prohibits future taxation of wind turbine equipment. The provisions do not affect any agreement that is already in place on the effective date of the Act.

ACT 169 (SB 628, P.N. 2117, November 29, 2006) -- Makes a number of amendments to law regarding advance health care directives, one of which allows healthcare representatives to make decisions for an incompetent adult patient who has no living will, health care power of attorney, or guardian.

ACT 172 (SB 669, P.N. 2250, November 29, 2006) -- Requires the state to establish a program for identifying certified or otherwise qualified court interpreters for the deaf and those with limited English proficiency. The interpreters will be available for administrative, civil and criminal proceedings. A fee schedule for these services will be prescribed by the Department of Labor and Industry, and the judge may order costs for this services to be paid by the defendant unless the defendant is deaf or indigent.

ACT 174 (SB 811, P.N. 1814, November 29, 2006) -- Reopens the window for county consideration of the 1/40 and 1/50 pension benefit classes until June 30, 2007.

ACT 189 (SB 1331, P.N. 2166, November 29, 2006) -- Exempts counties and local government from collecting sales tax on copies of official documents furnished to individuals pursuant to the Right to Know Law.

SPECIAL SESSION ACT 1 (Special Session HB 39, P.N. 93, June 27, 2006)- The Taxpayer Relief Act increases income eligibility in the Senior Citizens Property Tax and Rent Rebate Assistance Program from \$15,000 to \$35,000. The bill also provides for property tax reductions in 2007 if local voters approve increases in school district earned income taxes (EIT) or authorize the school district to levy a personal income tax (PIT). School districts must place a question on the May 2007 primary ballot giving voters the option to further reduce property taxes by approving increases in the PIT or EIT. The bill makes backend referendum spending controls mandatory for school districts, and allows additional referenda to authorize further property tax reductions beginning in 2009. Additionally, the bill allows for installment payment of taxes. Act 72 is repealed.