

ACTS AFFECTING COUNTY GOVERNMENT, 2008

Following is a list of acts affecting county government that passed in 2008 to date. 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 3 (SB 1, P.N. 1763: February 14, 2008) - Amends the Right-To-Know Law by reversing the presumption of access to records, puts the burden of proof on a government agency denying access to a record, and extends the act in a limited way to both the General Assembly and the judiciary. It provides a list of 30 exceptions for executive agencies and local agencies, which include among others criminal investigations, Social Security numbers, personal financial information, and individual medical records. The legislation creates an independent Office of Open Records, housed in DCED, with an executive director appointed by the governor to a six-year term. The Office will establish standard fees for photocopying records, and create a uniform form that can be used to request records. The bill makes changes to the process of obtaining public records in Pennsylvania and changes the appeals process. The legislation reduces the time period for response by a Commonwealth agency and legislative agency from 10 days to 5 days.

ACT 7A (HB 2313, P.N. 4149: July 4, 2008) – Provides for an appropriation to fund payments to the Pennsylvania State University, and stipulates particular accounting methods and the disclosure of fiscal information. This Act provides for funding for Penn State Cooperative Extension.

ACT 16 (SB 1278, P.N. 1844: May 13, 2008) - Amends Title 23 (Domestic Relations) further providing for child medical support by adding that a court order for child support must include a requirement for medical support. Additionally, the bill states the Commonwealth would impose a fee of \$25 in each case in which an individual has never received assistance under Title IV-A of the Social Security Act and for whom the Commonwealth has collected at least \$500 of support in a Federal fiscal year.

Act 21 (HB 775, P.N. 3081: June 11, 2008) – For third through eighth class counties, requires flags to be placed on all veterans graves, not only those who served during combat. Allows for aluminum or a suitable substitute material for veterans grave markers instead of bronze.

Act 22 (HB 776, P.N. 3082: June 11, 2008) – For Philadelphia, requires flags to be placed on all veterans graves, not only those who served during combat. Allows for aluminum or a suitable substitute material for veterans grave markers instead of bronze.

Act 23 (HB 777, P.N. 3083: June 11, 2008) – For second class and second class A counties, requires flags to be placed on all veterans graves, not only those who served during combat. Allows for aluminum or a suitable substitute material for veterans grave markers instead of bronze.

Act 27 (SB 246, P.N. 2099: June 13, 2008) - Creates the Smoke Free Pennsylvania Act prohibiting smoking in enclosed and substantially enclosed areas and imposing duties on the Department of Health. The bill provides for qualification for the exemptions. The act would supersede any municipal ordinance concerning smoking in a public place, except in a city of the first class (Philadelphia).

[Act 32](#) (SB 1063, P.N. 2229: July 2, 2008) – Consolidates earned income tax collection into countywide collection districts. Counties are not responsible for EIT collection, but are responsible to convene the first meeting of all municipalities and school districts within the county for purposes of electing a chair of the local earned income tax collection committee. The chair of the county commissioners or the chief executive must convene this meeting prior to November 15, 2009, with a notice period of 21 days. The committee will vote on a single tax collector for earned income tax collection on behalf of municipalities and school districts in the county. The county has no vote, but can enter into a contract with the municipalities to serve as the tax collection agency.

[Act 33](#) (SB 1147, P.N. 2159: July 3, 2008) – Requires counties to notify the Department of Public Welfare of a child fatality or near-fatality where there is an indicated report of child abuse. The county must also organize a review team to examine the circumstances surrounding the fatality. That team will look at services provided by the county, related court documents, and the county's compliance with the relevant law. The team will issue a report, and DPW must work with counties to address any deficiencies that may be identified in the report.

[Act 38A](#) (SB 1389, P.N. 2305: July 4, 2008) – Act providing the 2008-09 General Fund Budget.

[Act 44](#) (HB 1788, P.N. 4179: July 4, 2008) - This act creates the report from DPW pertaining to the licensure and inspection of personal care homes. The act extends the Budget Adjustment factor for nursing homes for three years. Additionally, the act allows for regulations on the phase out of county nursing home costs from the non-public nursing home rate calculations to continue. The act allows for regulations on bed hold payments for nursing homes when someone is hospitalized. The act also re-enacts the assessment on managed care organizations to coincide with federal law, changing the assessment from 6% to 5.5% on Medicaid MCOs. The act also reauthorizes the assessment for intermediate care facilities, providing for community services for those with mental retardation.

[Act 50](#) (HB 2302, P.N. 3912: July 4, 2008) - Amends the State Tourism Promotion Law to place the Regional Marketing Initiative (RMI) into statute, while continuing funding for the matching grant program. The Act gradually increases the share of RMI to matching funds from 37/63 to 50/50, and provides a match of two state dollars for each local dollar to county agencies and 2.5 state dollars for each local dollar to regional agencies.

[Act 52](#) (SB 1000, P.N. 2228: July 4, 2008) – The VoIP Freedom Act, the act states that no political subdivision may enact or enforce any law, rule, regulation, standard, order or other provision having the force or effect of law that regulates the rates, terms and conditions of VoIP service or IP-enabled service. The act would not affect the authority of the Office of Attorney General, nor the authority of a state department, agency or commission to enforce applicable state statutes or regulations related to nondiscriminatory enhanced 911 fees.

[Act 53](#) (SB 1297, P.N. 2302: July 4, 2008)- Reauthorizes the Hazardous Sites Cleanup Fund. The act also provides for 2008-2009 budget implementation and for 2008-2009 restrictions on appropriations for funds and accounts.

[Act 62](#) (HB 1150, P.N. 4133: July 9, 2008) – Requires insurance companies to provide coverage for autism spectrum disorders and for colorectal cancer screenings. The Act also includes provisions relating to the merger of domestic insurance companies.

[Act 63](#) (SB 2, P.N. 2294: July 9, 2008) - Is the H₂O PA Act. The Act provides for the allocation of previously un-allocated money in the Pennsylvania Gaming Economic Development and Tourism Fund to the Commonwealth Financing Authority for distribution towards water or sewer, storm water, flood control and high hazard unsafe dam projects. The authority would incur indebtedness of up to \$800 million to fund the projects. A grant may not exceed \$20 million for any one project and an eligible applicant must provide funds at least equal to the amount awarded.

[Act 64](#) (SB 1341, P.N. 2292: July 9, 2008) – Provides for a voter referendum for Commonwealth indebtedness up to \$400 million for the repair or reconstruction of water supply and sewage treatment systems. Proceeds of borrowing would be used for grants and loans by the Pennsylvania Infrastructure Investment Authority for projects.

[Act 68](#) (HB 1693, P.N. 3393: July, 9 2008) - This act provides title protection for the title "social worker". The act requires that individuals with the title "social worker" have a degree and at least three years or 3,000 hours of supervised clinical experience. The act also allows the social worker board to recognize out-of-state licenses of social workers, marriage and family therapists and professional counselors who submit satisfactory proof of qualification.

[Act 69](#) (SB 4, P.N. 2235: July 9, 2008) -- Amends the State Lottery Law by maintaining PACE and PACENET eligibility for senior citizens whose income limit is exceeded due to a Social Security cost-of-living adjustment as of December 31, 2007, and at the end of 2008 and establishes an expiration date for these provisions on December 31, 2010.

[Act 70](#) (SB 266, P.N. 1554: July 9, 2008) - The PA Climate Change Act, the act requires DEP to prepare and publish a report on the potential impact of climate change in PA. DEP may also evaluate the recommendations of optional climate change action plans prepared by counties and municipalities within PA. DEP would annually compile an inventory of greenhouse gases emitted in PA by all sources.

[Act 72](#) (SB 385, P.N. 2248: July 9, 2008) – Creates a payment system where each VoIP provider or telecommunications carrier would collect a \$1 fee per month per telephone number to provide funding directly to the counties or through PEMA for 911 or E-911 services. The fund created would be a non-lapsing interest bearing account known as the VoIP 911 Emergency Services Fund. Money in the fund would be appropriated on a continuing basis to the counties directly, or to PEMA to be disbursed semiannually to each county. The act also stipulates information to be furnished to counties for the purpose of VoIP addressing. The act achieves a 2008 CCAP Legislative Priority.

[Act 75](#) (SB 1020, P.N. 1871: July 9, 2008) -- Amends the Conservation District law changing language that affects appointment of local Conservation District board directors, and includes language allowing

removal of district directors by the county governing body, authorizes in statute additional activities in which the conservation districts may engage, and clarifies fiscal authority for district directors.

[Act 76](#) (SB 1332, P.N. 2300: July 9, 2008) -- Prescribes an oath of office for any elected or appointed municipal official who is currently required to take an oath or affirmation of office. The legislation also moves language governing the second class county hotel tax from the County Code to Title 53, and allows a portion of that tax to be held in escrow for construction of a new conference center.

[Act 79](#) (SB 1412, P.N. 2285: July 10, 2008) -- Reauthorizes the KOZ Act for a period of seven years from the expiration date of a zone or for a period of ten years from the date of occupancy, provided that the parcel is occupied on or before December 31, 2015. The act provides for fifteen additional KOEZs and for substitution of parcels outside a subzone and for payments. The act prohibits illegal alien labor in the zones. A political subdivision or its designee may apply for an expansion to add up to 15 acres of deteriorated property to an existing KOZ, KOEZ, or KOIZ.

[Act 81](#) (H.B. 4, P.N. 4329: September 25, 2008) -- Provides that prisoners sentenced to terms of two to five years would be committed to state prison, unless three conditions are met: The county prison does not exceed 110% of its rated capacity; the DA requests an offender to be incarcerated in county prison; and the sentencing court approves county placement. Even then, the bill stipulates that the state would pay counties for the cost of confining any such offenders.

[Act 82](#) (H.B. 5, P.N. 4111: September 25, 2008) -- Amends the Prisoner Transfer Law allowing Counties to utilize the Department of Corrections transportation system rather than more costly county staff resources.. The Department of Corrections may require a county to pay the reasonable cost of transportation between State correctional facilities if a court of that county has requested a temporary transfer. The Act also encourages the use of videoconferencing for judicial hearings.

[Act 83](#) (H.B. 6, P.N. 4192: September 25, 2008) -- Amends the PA Board of Probation and Parole Law that county judges would be given the parole authority over state inmates who are serving their sentences in county jails. The bill states that in each case where the board deviates from the established guidelines, the board must provide a written statement of the reason for the deviation to the PA Commission on Sentencing.

[Act 84](#) (H.B. 7, P.N. 4019: September 25, 2008) -- Creates a process for compassionate release of inmates who are terminally ill into secure health care settings.

[Act 87](#) (S.B. 684, P.N. 2475: October 8, 2008) -- Establishes Local Public Health Child Death Review teams consisting of one or more counties which will review all deaths of children (under the age of 21), collect data, and submit annual reports to the state Public Health Death Review team. The reviews cannot interfere with a child welfare fatality or near-fatality review. The team must include someone from the county children and youth agency.

[Act 93](#) (S.B. 1225, P.N. 2413: October 8, 2008) -- Creates an intrastate mutual aid system for all political subdivisions in Pennsylvania; by default every political subdivision is a participant but a

municipality may take affirmative action to opt out. The act facilitates county dispatch by replacing the patchwork of voluntary mutual aid agreements, and provides for hazard identification, planning, joint training, resources inventory, and National Incident Management System implementation.

[Act 98](#) (H.B. 301, P.N. 4508: October 9, 2008) -- Amends Title 42 by among other things, increasing the number of judges in certain judicial districts, including one additional judge each in Northampton, Cumberland, York, Delaware, Franklin, Lackawanna, Adams, and Carbon counties, and two additional judges in Montgomery and Dauphin counties. *Effective Date (except Cumberland County): January 4, 2010. The positions will be filled by the 2009 municipal election. Cumberland County will add a judge January 2, 2012. The position will be filled by the 2011 municipal election.*

[Act 102](#) (H.B. 834, P.N. 4510: October 9, 2008) -- Prohibits a healthcare facility, including county nursing homes, from requiring an employee to work in excess of a predetermined daily work shift. An employee can voluntarily agree to work overtime. Exceptions include local or state-declared emergencies, unexpected events such as disasters or acts of terrorism, as well as unexpected absences which would impact patient safety.

[Act 109](#) (H.B. 1511, P.N. 4439: October 9, 2008) -- Amends Title 42 to require an opportunity for involvement of foster parents at permanency hearings. The court is not required to share reports from foster parents with the county children and youth agency.

[Act 110](#) (H.B. 1634, P.N. 4003: October 9, 2008) -- Sets uniform procedures for registering a deed or conveyance with a municipality, generally to be done secondary to the registering of the deed with the county recorder of deeds. The municipality cannot require the county to affect the municipal registration, but the municipality and the recorder of deeds may enter into an agreement whereby the county will share information regarding conveyances of property.

[Act 135](#) (H.B. 2188, P.N. 4521: November 26, 2008) – Outlines provisions for court-appointed conservators to bring residential, commercial, and industrial buildings into municipal code compliance when owners fail to comply. The bill allows for a party of interest, defined as the owner of the building, a lienholder, a resident or a business owner within 500 feet, a nonprofit corporation in the municipality, or the municipality or school district to petition the court for an appointment of a conservator to undertake possession and undergo rehabilitation of the building.

[Special Session Act 1](#) (S.S. HB 1, P.N. P0086: July 9, 2008) -- The Alternative Energy Investment Act provides for alternative sources of energy. The act establishes the Alternative Energy Development Program which provides for the indebtedness of up to \$500,000,000 to fund projects as outlined in the act. Local governments may apply for grants and loans for alternative energy projects.

Legislation that was vetoed by the Governor

Veto 1: [HB 1438](#) (P.N. 2482: July 14, 2008) – Would amend the Third Class County Assessment Board Law by adding that other than during a countywide reassessment, a local taxing entity may only appeal an assessment when a parcel of land is divided and conveyed away in smaller parcels, when

improvements are made to real property or when existing improvements are removed from real property or are destroyed. This bill would remove the power of taxing entities to appeal the assessment of properties when a property is sold to a new owner.

The Governor stated in his veto message that this legislation would remove significant powers that local taxing entities now have to challenge the county tax assessment of properties when there is a change of land use for those properties or they are sold and under-assessed for their current use. The veto message goes on to say, "The right to appeal assessments is a fundamental structure of our property tax law since it ensures that taxpayers can seek redress if they believe that assessors have undervalued, or overvalued, the fair market value of properties in their communities. Equally fundamental in the law is the power of local taxing entities to seek redress if the county fails to establish a fair rate of assessment after a property is transferred since the county's failure to establish a reasonable fair market value in this instance can also affect all taxpayers under the jurisdiction of the taxing entity." The veto message also broadly states the Governor's support for the legislature to tackle a long-term solution by requiring regular county reassessments.

Veto 2: [SB 1247](#) (P.N. 1690: July 14, 2008) – Same as above with the exception that this legislation would have amended the Fourth through Eighth Class County Assessment Law.

Veto 4: [SB 1258](#) (P.N. 2487: October 17, 2008) – Would have amended the Fourth through Eighth Class and Selective County Assessment Law by adding that other than during a countywide reassessment, a local taxing entity may only appeal an assessment when a parcel of land is divided and conveyed away in smaller parcels, when improvements are made to real property, when existing improvements are removed from real property or are destroyed, or when a change has occurred in the productive use of the property or parcel by material alteration in the nature of the use or through alteration or additions which modify the use. This bill would have removed the power of taxing entities to appeal the assessment of properties when a property is sold to a new owner. This bill differs from its predecessors in the addition of the nature of use section and that it would have been applied retroactively to eliminate all reverse appeals by school districts and municipalities since July 1, 2008.