

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 267 Session of
1989

INTRODUCED BY COWELL, PISTELLA, LEVDANSKY, MICHLOVIC, MARKOSEK,
GIGLIOTTI, OLASZ, VAN HORNE, McVERRY, TRELLO, DeLUCA,
PRESTON, ROBINSON, B. D. CLARK, PETRONE AND ITKIN,
FEBRUARY 7, 1989

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 1990

AN ACT

1 Amending the act of August 24, 1951 (P.L.1304, No.315),
2 entitled, as amended, "An act to improve local health
3 administration throughout the Commonwealth by authorizing the
4 creation, establishment and administration of single-county
5 or joint-county departments of health in all counties;
6 exempting certain municipalities from the jurisdiction of
7 single-county or joint-county departments of health;
8 permitting the dissolution of departments or boards of health
9 in certain municipalities; authorizing State grants to
10 counties which establish departments of health and to certain
11 municipalities if they meet prescribed requirements;
12 conferring powers and duties upon the State Department of
13 Health in connection with the creation, establishment and
14 administration of single-county or joint-county departments
15 of health and administration of the health laws in parts of
16 certain municipalities not subject to the jurisdiction of
17 single-county or joint-county departments of health, and the
18 administration of State grants; and repealing an act which
19 confers health powers upon counties of the first class,"
20 further providing for State grants to county departments of
21 health and to certain municipalities.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 25 of the act of August 24, 1951
25 (P.L.1304, No.315), known as the Local Health Administration
26 Law, amended May 24, 1984 (P.L.328, No.65) and December 18, 1985

1 (P.L.340, No.95), is amended to read:

2 Section 25. State Grants to County Departments of Health and
3 to Certain Municipalities.--County departments of health created
4 under this act and municipalities eligible for State grants
5 under the provisions of section 15 of this act shall receive
6 State grants in accordance with the procedure outlined in
7 subsections (a), (b) and (c) of this section, if sufficient
8 funds have been appropriated to pay the full amount of the
9 grants to which county departments of health and certain
10 municipalities may be entitled under subsections (a), (b) and
11 (c) of this section.

12 In the event that sufficient funds to pay the full amount of
13 the grants to which county departments of health and certain
14 municipalities may be entitled under subsections (a), (b) and
15 (c) of this section have not been appropriated, the State
16 Secretary of Health, with the advice of the Advisory Health
17 Board, shall distribute such funds as are available among county
18 departments of health and municipalities eligible for State
19 grants under section 15 of this act on an equitable basis,
20 without reference to the procedure outlined in subsections (a),
21 (b) and (c) of this section; except that no county department of
22 health or municipality shall receive a grant which exceeds [four
23 dollars and fifty cents (\$4.50)] ~~six dollars (\$6.00) per year~~ <—
24 PER YEAR] FIVE DOLLARS AND TWENTY-FIVE CENTS (\$5.25) IN FISCAL <—
25 YEAR 1990-1991, AND SIX DOLLARS (\$6.00) IN FISCAL YEAR 1991-1992
26 AND EACH FISCAL YEAR THEREAFTER, for every person within the
27 jurisdiction of the county department of health or the
28 department or board of health of the municipality.

29 This section shall not be construed to preclude the State
30 Department of Health from making special grants to county

1 departments of health or to municipalities for emergencies or
2 for other special purposes.

3 (a) Initial Grants. Every county department of health
4 created under this act shall receive an initial grant as
5 provided in this section if sufficient funds have been
6 appropriated to pay the full amount of such grant.

7 The county commissioners or, in the case of a joint-county
8 department of health the joint-county health commission, shall
9 submit to the State Secretary of Health, on forms prescribed by
10 him, an initial estimate of expenditures to cover the operation
11 of the county department of health from the date of its
12 establishment to the end of the calendar year in which it is
13 established. The initial estimate of expenditures shall state
14 the names of the exempt municipalities which have not decided to
15 become subject to the jurisdiction of the county department of
16 health in accordance with section 15 of this act. The estimate
17 shall be submitted within thirty (30) days prior to the date of
18 establishment.

19 The State Secretary of Health shall examine each initial
20 estimate of expenditures and shall deduct therefrom all items
21 which do not represent expenditures within the lawful scope of
22 the powers of the particular county department of health. Upon
23 the total amount of the remaining expenditures, the State
24 Secretary of Health shall compute the initial grant.

25 The initial grant shall equal fifty per cent (50%) of the
26 total of the remaining expenditures, but no initial grant shall
27 exceed the product obtained by multiplying the population of the
28 area within the jurisdiction of the county department of health
29 times the number of months covered by the initial estimate of
30 expenditures times [thirty-seven and one-half cents (37 1/2¢)]

1 ~~fifty cents (50¢)~~ FORTY-THREE AND THREE-FOURTHS CENTS (43 3/4¢) <—
2 IN FISCAL YEAR 1990-1991, AND FIFTY CENTS (50¢) IN FISCAL YEAR
3 1991-1992 AND EACH FISCAL YEAR THEREAFTER. For the purpose of
4 computation, any fraction of a month shall be counted as one
5 month.

6 Thirty (30) days after he has received the initial estimate
7 of expenditures, the State Secretary of Health shall draw a
8 requisition upon the State Auditor General in favor of the
9 particular county department of health for the amount of the
10 initial grant.

11 In the event that a municipality or part of a municipality
12 becomes subject to the jurisdiction of a county department of
13 health in accordance with section 15 of this act after the date
14 of establishment but prior to the first day of October of the
15 same year, the county commissioners or, in the case of a joint-
16 county department of health the joint-county health commission,
17 may submit to the State Secretary of Health, on forms prescribed
18 by him, an estimate of additional expenditures to cover the
19 operation of the county department of health for the balance of
20 the calendar year. The estimate shall state the name of the
21 municipality and the date on which it became subject to the
22 jurisdiction of the county department of health. The State
23 Secretary of Health shall examine the estimate of additional
24 expenditures and shall deduct therefrom all items which do not
25 represent expenditures within the lawful scope of the powers of
26 the particular county department of health. Upon the total
27 amount of the remaining expenditures, the State Secretary of
28 Health shall compute the additional grant. The additional grant
29 shall equal fifty percent (50%) of the total of the remaining
30 expenditures, but no additional grant shall exceed the product

1 obtained by multiplying the population of the municipality or
2 the part of a municipality times the number of months remaining
3 in the calendar year from the date the municipality or the part
4 of a municipality became subject to the jurisdiction of the
5 county department of health times [thirty-seven and one-half
6 cents (37 1/2¢)] ~~fifty cents (50¢)~~ FORTY-THREE AND THREE-FOURTHS <—
7 CENTS (43 3/4¢) IN FISCAL YEAR 1990-1991, AND FIFTY CENTS (50¢)
8 IN FISCAL YEAR 1991-1992 AND EACH FISCAL YEAR THEREAFTER. For
9 the purpose of computation, any fraction of a month shall be
10 counted as one month.

11 Fifteen (15) days after he has received the estimate of
12 additional expenditures, the State Secretary of Health shall
13 draw a requisition upon the State Auditor General in favor of
14 the particular county department of health for the amount of the
15 additional grant.

16 (b) Annual Grants. Every county department of health created
17 under this act and every municipality eligible for State grants
18 under section 15 of this act shall receive annual grants from
19 the State as provided in this section, if sufficient funds have
20 been appropriated to pay the full amount of such grants. No
21 county department of health shall begin to receive annual grants
22 until the calendar year following the one in which it was
23 established. No municipality shall begin to receive annual
24 grants until the calendar year following the one in which this
25 act takes effect.

26 After the beginning of each calendar year, the county
27 commissioners or, in the case of a joint-county department of
28 health the joint-county health commission, or the executive or
29 executive body of any municipality eligible for State grants
30 under section 15 of this act, shall submit to the State

1 Secretary of Health, at such time as he shall require and on
2 forms prescribed by him, an annual estimate of expenditures of
3 the county department of health or the department or board of
4 health of the municipality. In the case of a county department
5 of health, the annual estimate of expenditures shall state the
6 names of the exempt municipalities which have not decided to
7 become subject to its jurisdiction in accordance with section 15
8 of this act.

9 The State Secretary of Health shall examine each annual
10 estimate of expenditures and shall deduct therefrom all items
11 which do not represent expenditures within the lawful scope of
12 the powers of the particular county department of health or the
13 department or board of health of the municipality. Upon the
14 total amount of the remaining expenditures, the State Secretary
15 of Health shall compute the annual grant. The annual grant shall
16 equal fifty per cent (50%) of the total of the remaining
17 expenditures, but no annual grant shall exceed the product
18 obtained by multiplying the population of the area within the
19 jurisdiction of the county department of health or within the
20 jurisdiction of the department or board of health of the
21 municipality times [four dollars and fifty cents (\$4.50)] ~~six~~ <—
22 ~~dollars (\$6.00)~~ FIVE DOLLARS AND TWENTY-FIVE CENTS (\$5.25) IN <—
23 FISCAL YEAR 1990-1991, AND SIX DOLLARS (\$6.00) IN FISCAL YEAR
24 1991-1992 AND EACH FISCAL YEAR THEREAFTER.

25 The annual grant shall be paid in four quarterly
26 installments, but the moneys received in any quarter may be used
27 any time during the year.

28 The first installment shall be for the quarter beginning
29 January first and ending March thirty-first; the second
30 installment shall be for the quarter beginning April first and

1 ending June thirtieth; the third installment shall be for the
2 quarter beginning July first and ending September thirtieth; and
3 the fourth installment shall be for the quarter beginning
4 October first and ending December thirty-first. Each installment
5 shall be paid only if it is approved by the State Secretary of
6 Health. The State Secretary of Health shall approve the payment
7 of any quarterly installment of an annual grant to a county
8 department of health or to a municipality eligible under section
9 15 of this act only if he finds:

10 (1) that such county department of health or municipality is
11 complying with any and all regulations of the State Department
12 of Health prescribing minimum public health activities, minimum
13 standards of performance of health services, and standards of
14 personnel administration on a merit basis; and

15 (2) that such county department of health or municipality is
16 accomplishing the purposes described in section 2 of this act.

17 If the State Secretary of Health approves the payment of the
18 first quarterly installment of an annual grant to a county
19 department of health or to a municipality eligible under section
20 15 of this act, he shall draw a requisition for such installment
21 upon the State Auditor General in favor of the county department
22 of health or municipality within fifteen (15) days after he has
23 received the annual estimate of expenditures. If the State
24 Secretary of Health approves the payment of any subsequent
25 quarterly installment of an annual grant to a county department
26 of health or to a municipality eligible under section 15 of this
27 act, he shall draw a requisition for such installment upon the
28 State Auditor General in favor of the county department of
29 health or municipality at least fifteen (15) days before the
30 first day of the quarter for which the payment is to be made.

1 In the event that a municipality or part of a municipality
2 becomes subject to the jurisdiction of a county department of
3 health in accordance with section 15 of this act prior to the
4 first day of September, the county commissioners or, in the case
5 of a joint-county department of health the joint-county health
6 commission, may submit to the State Secretary of Health, on
7 forms prescribed by him, an estimate of additional expenditures
8 to cover the operation of the county department of health for
9 the balance of the calendar year. The estimate shall state the
10 name of the municipality and the date on which it became subject
11 to the jurisdiction of the county department of health. The
12 estimate shall be submitted at least thirty (30) days before the
13 first day of any quarter following the one in which the
14 municipality or the part of a municipality became subject to the
15 jurisdiction of the county department of health.

16 The State Secretary of Health shall examine the estimate of
17 additional expenditures and shall deduct therefrom all items
18 which do not represent expenditures within the lawful scope of
19 the powers of the particular county department of health. Upon
20 the total amount of the remaining expenditures, the State
21 Secretary of Health shall compute the additional grant. The
22 additional grant shall equal fifty percent (50%) of the
23 remaining expenditures, but no additional grant shall exceed the
24 product obtained by multiplying the population of the
25 municipality or the part of a municipality times the number of
26 months remaining in the calendar year from the date the
27 municipality or the part of a municipality became subject to the
28 jurisdiction of the county department of health times [thirty-
29 seven and one-half cents (37 1/2¢)] ~~fifty cents (50¢)~~ FORTY-
30 THREE AND THREE-FOURTHS CENTS (43 3/4¢) IN FISCAL YEAR 1990-

<—

1991, AND FIFTY CENTS (50¢) IN FISCAL YEAR 1991-1992 AND EACH FISCAL YEAR THEREAFTER. For the purpose of computation, any

fraction of a month shall be counted as one month. The additional grant shall be added to and become part of the balance of the annual grant remaining to be paid.

(c) Adjustment of Initial and Annual Grants. After the end of every calendar year in which a county department of health or a municipality received an initial grant or all or part of an annual grant, there shall be an adjustment of such initial or annual grant on the basis of the actual expenditures of the county department of health or the department or board of health of the municipality during the year. Any additional grants to which a county department of health or a municipality may be entitled under the provisions of this subsection shall be paid, if sufficient funds have been appropriated to pay the full amount of such grants. Within fifteen (15) days after the end of the calendar year, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, or the executive or executive body of the municipality, shall submit to the State Secretary of Health, on forms prescribed by him, a sworn, itemized statement of all the expenditures made by the county department of health or the department or board of health of the municipality during the previous year. The statement shall show the dates on which the expenditures were made and shall indicate which of the expenditures were made out of any special grants received from the State or out of any grants received directly from the Federal Government. In the case of a county department of health, the statement shall indicate the name of any municipality which became subject to its jurisdiction in

1 accordance with section 15 of this act and the date on which the
2 municipality became subject to its jurisdiction.

3 The State Secretary of Health shall examine each statement
4 and shall deduct therefrom all the expenditures made during any
5 quarter or quarters of the calendar year for which no
6 installments of an annual grant were paid to the county
7 department of health or municipality because of its failure to
8 comply with the requirements of subsection (b) of this section.
9 He shall then deduct from the remaining expenditures: (1) those
10 items paid for out of any special grants received from the
11 State; (2) those items paid for out of any grants received
12 directly from the Federal Government; and (3) those items which
13 do not represent expenditures made within the lawful scope of
14 the powers of the county department of health or the department
15 or board of health of the municipality. Upon the total amount of
16 the remaining expenditures, the State Secretary of Health shall
17 compute the adjusted initial or annual grant.

18 The adjusted initial grant shall equal either (1) fifty per
19 cent (50%) of the total of the remaining expenditures, or (2)
20 the product obtained by multiplying the population of the area
21 within the jurisdiction of the county department of health at
22 the time of its establishment times the number of months for
23 which the initial grant was paid as determined in subsection (a)
24 of this section times [thirty-seven and one-half cents (37
25 1/2¢)] ~~fifty cents (50¢)~~ FORTY-THREE AND THREE-FOURTHS CENTS (43
26 3/4¢) IN FISCAL YEAR 1990-1991, AND FIFTY CENTS (50¢) IN FISCAL
27 YEAR 1991-1992 AND EACH FISCAL YEAR THEREAFTER, whichever figure
28 is the lower. In the event that a municipality or part of a
29 municipality became subject to the jurisdiction of the county
30 department of health during the year in accordance with section

1 15 of this act, there shall be added to the amount arrived at by
2 applying the formula set out in clause (2) of this paragraph the
3 product obtained by multiplying the population of the
4 municipality or the part of a municipality times the number of
5 months it was subject to the jurisdiction of the county
6 department of health times [thirty-seven and one-half cents (37
7 1/2¢)] ~~fifty cents (50¢)~~ FORTY-THREE AND THREE-FOURTHS CENTS (43 <—
8 3/4¢) IN FISCAL YEAR 1990-1991, AND FIFTY CENTS (50¢) IN FISCAL
9 YEAR 1991-1992 AND EACH FISCAL YEAR THEREAFTER. For the purpose
10 of computation, any fraction of a month shall be counted as one
11 month.

12 In the case of a county department of health, the adjusted
13 annual grant shall equal either (1) fifty per cent (50%) of the
14 total of the remaining expenditures, or (2) the product obtained
15 by multiplying the population of the area within the
16 jurisdiction of the county department of health at the beginning
17 of the calendar year times the number of quarters for which
18 installments of the annual grant were paid times [one dollar and
19 twelve and one-half cents (\$1.12 1/2)] ~~one dollar and fifty~~ <—
20 ~~cents (\$1.50)~~ ONE DOLLAR AND THIRTY-ONE AND ONE-FOURTH CENTS <—
21 (\$1.31 1/4) IN FISCAL YEAR 1990-1991, AND ONE DOLLAR AND FIFTY
22 CENTS (\$1.50) IN FISCAL YEAR 1991-1992 AND EACH FISCAL YEAR
23 THEREAFTER, whichever figure is the lower. In the event that a
24 municipality or part of a municipality became subject to the
25 jurisdiction of the county department of health during the year
26 in accordance with section 15 of this act, there shall be added
27 to the amount arrived at by applying the formula set out in
28 clause (2) of this paragraph the product obtained by multiplying
29 the population of the municipality or the part of a municipality
30 times the number of months during which it was subject to the

1 jurisdiction of the county department of health times [thirty-
2 seven and one-half cents (37 1/2¢)] ~~fifty cents (50¢)~~ FORTY- <—
3 THREE AND THREE-FOURTHS CENTS (43 3/4¢) IN FISCAL YEAR 1990-
4 1991, AND FIFTY CENTS (50¢) IN FISCAL YEAR 1991-1992 AND EACH
5 FISCAL YEAR THEREAFTER; except that any month which fell in a
6 quarter for which no installment of the annual grant was paid to
7 the county department of health shall not be counted. For the
8 purpose of computation any fraction of a month shall be counted
9 as one month.

10 In the case of a municipality, the adjusted annual grant
11 shall equal either (1) fifty percent (50%) of the total of the
12 remaining expenditures, or (2) the product obtained by
13 multiplying the population of the area within the jurisdiction
14 of the department or board of health of the municipality times
15 the number of months during which it was not subject to the
16 jurisdiction of a county department of health times [thirty-
17 seven and one-half cents (37 1/2¢)] ~~fifty cents (50¢)~~ FORTY- <—
18 THREE AND THREE-FOURTHS CENTS (43 3/4¢) IN FISCAL YEAR 1990-
19 1991, AND FIFTY CENTS (50¢) IN FISCAL YEAR 1991-1992 AND EACH
20 FISCAL YEAR THEREAFTER, whichever figure is the lower. In
21 applying the formula set out in clause (2) of this paragraph,
22 any month which fell in a quarter for which no installment of
23 the annual grant was paid to the municipality shall not be
24 counted. For the purpose of computation any fraction of a month
25 shall be counted as one month.

26 If the adjusted initial or annual grant exceeds the initial
27 or annual grant actually received by a county department of
28 health or a municipality, the State Secretary of Health shall,
29 within fifteen (15) days after receipt of the statement of
30 expenditures, draw a requisition upon the State Auditor General

1 in favor of such county department of health or municipality for
2 the amount by which the adjusted initial or annual grant exceeds
3 the initial or annual grant actually received.

4 If the adjusted initial or annual grant is less than the
5 initial or annual grant actually received by a county department
6 of health or a municipality, the State Secretary of Health shall
7 charge the amount by which the initial or annual grant actually
8 received exceeds the adjusted initial or annual grant against
9 one or more installments of the next annual grant. If any
10 subsequent installment of the annual grant is not paid to the
11 particular county department of health or municipality because
12 of the failure of the county department of health or
13 municipality to comply with the requirements of subsection (b)
14 of this section, or because the municipality has decided to
15 become subject to the jurisdiction of a county department of
16 health in accordance with section 15 of this act, the State
17 Secretary of Health may require a refund of such amount to the
18 State.

19 (d) Environmental Health Services.--The Commonwealth shall
20 pay an additional annual grant of not more than one dollar and
21 fifty cents (\$1.50) per capita resident to each county
22 department of health or department or board of health of a
23 municipality eligible for grants under this act for
24 environmental health services provided by the county or
25 municipality.

26 As used in this subsection "environmental health services"
27 means services such as but not limited to air and noise
28 pollution control, restaurant and wholesale food inspection,
29 rodent and vector control, water and sewage inspection, housing
30 code enforcement and other similar services in addition to other

1 local health grants for public health services.

2 SECTION 2. THIS ACT SHALL APPLY RETROACTIVELY TO JULY 1, <—
3 1990, IF IT IS ENACTED AFTER THAT DATE.

4 Section ~~2~~ 3. This act shall take effect July 1, ~~1989~~ 1990, <—
5 or immediately, whichever is later.