



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL:** 93

**PRINTER'S NO:** 85

**PRIME SPONSOR:** Staback

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2008/09</b>	<b>FY 2009/10</b>
<b>Expenditure Increase/(Decrease):</b>		
Local Government Funds	0	0

**OVERVIEW:**

House Bill 93 amends the Pennsylvania Municipalities Planning Code (1998 Act 170), which applies to all municipalities and counties except the County of Philadelphia and the cities of Philadelphia and Pittsburgh.

This bill will allow the governing body of a municipality—defined to include counties—to appoint one to three residents as alternate members to a planning commission for four-year terms. Such an alternate would not be entitled to vote or receive any reimbursement of costs unless (i) designated by the chairman of the planning commission to substitute for an absent, recused or disqualified member and (ii) the substitution is necessary to reach a quorum.

Section 202 of the Code allows a governing body to provide compensation to planning commission members except if a member is an elected, appointed officer or employee of the municipality. The governing body may also reimburse expenses to all members. The fixing of compensation and reimbursement of expenses are at the discretion of the governing body.

According to the most recent local government fact sheet distributed by the Department of Community and Economic Development, there are 1,793 planning commissions in Pennsylvania.

The bill has a sixty-day effective date.

**ANALYSIS:**

The provisions of this bill are strictly enabling and do not mandate any action on part of local government.

Any cost for reimbursements for alternate members acting as substitutes would be entered into voluntarily on the part of the local government. Even so, because alternates can only receive reimbursements if they are substituting for a member and the substitution is necessary for a quorum, there would be no additional reimbursement cost beyond what the municipality would have encumbered if no substitution were needed.

The bill does not address the question for those municipalities that provide compensation to its planning commission members on whether the alternate is to receive such compensation if that alternate is appointed to substitute for a member. Subsequently, each affected municipality will make its own determination. Because no data is available on the number of municipalities that provide compensation to its planning commission members, it is unknown how many will face this issue. Representatives from various local government associations and the Governor's Center for Local Government Services, however, believe that most municipalities do not provide compensation. Even for the case where a municipality might choose to compensate alternates, it is unlikely that the provisions of this bill would add costs for the following reason. Typically when a municipality provides compensation, it is based upon attendance. Thus, if a regular member cannot attend, he does not receive compensation. If a quorum is needed and the alternate substitutes for the member, then the municipality would have the ability to provide the substitute the compensation instead. As with the case for reimbursements described in the previous paragraph, there would be no additional compensation cost beyond what the municipality would have encumbered if no substitution were needed.

The following organizations were consulted in preparation of this fiscal note: the Local Government Commission, the Governor's Center for Local Government Services of the Department of Community and Economic Development, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, and staff members of the Committee on Local Government of the Pennsylvania House of Representatives.

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House Appropriations Committee, (D)

**DATE:** March 9, 2008

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*