

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 226

Session of
1983

INTRODUCED BY DAWIDA, POTT, PRESTON, MARMION, ITKIN, COWELL,
DUFFY, GAMBLE, VAN HORNE, OLASZ, MICHLOVIC, MRKONIC, PETRONE,
TRELLO AND PISTELLA, FEBRUARY 16, 1983

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 16, 1983

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 July 9, 1976 (P.L.533, No.129) and subsection (d)
27 added February 26, 1976 (P.L.26, No.12), is amended to read:

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

11 In the event that sufficient funds to pay the full amount of
12 the grants to which county departments of health and certain
13 municipalities may be entitled under subsections (a), (b) and
14 (c) of this section have not been appropriated, the State
15 Secretary of Health, with the advice of the Advisory Health
16 Board, shall distribute such funds as are available among county
17 departments of health and municipalities eligible for State
18 grants under section 15 of this act on an equitable basis,
19 without reference to the procedure outlined in subsections (a),
20 (b) and (c) of this section; except that no county department of
21 health or municipality shall receive a grant which exceeds three
22 dollars (\$3.00) per year for every person within the
23 jurisdiction of the county department of health or the
24 department or board of health of the municipality.]

25 This section shall not be construed to preclude the State
26 Department of Health from making special grants to county
27 departments of health or to municipalities for emergencies or
28 for other special purposes.

29 (a) Initial Grants. Every county department of health
30 created under this act shall receive an initial grant as

1 provided in this section [if sufficient funds have been
2 appropriated to pay the full amount of such grant].

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

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

21 The initial grant shall equal fifty per cent (50%) of the
22 total of the remaining expenditures, but no initial grant shall
23 exceed the product obtained by multiplying the population of the
24 area within the jurisdiction of the county department of health
25 times the number of months covered by the initial estimate of
26 expenditures times twenty-five cents (25¢). For the purpose of
27 computation, any fraction of a month shall be counted as one
28 month.

29 Thirty (30) days after he has received the initial estimate
30 of expenditures, the State Secretary of Health shall draw a

1 requisition upon the State Auditor General in favor of the
2 particular county department of health for the amount of the
3 initial grant.

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

1 Fifteen (15) days after he has received the estimate of
2 additional expenditures, the State Secretary of Health shall
3 draw a requisition upon the State Auditor General in favor of
4 the particular county department of health for the amount of the
5 additional grant.

6 (b) Annual Grants. Every county department of health created
7 under this act and every municipality eligible for State grants
8 under section 15 of this act shall receive annual grants from
9 the State as provided in this section[, if sufficient funds have
10 been appropriated to pay the full amount of such grants]. No
11 county department of health shall begin to receive annual grants
12 until the calendar year following the one in which it was
13 established. No municipality shall begin to receive annual
14 grants until the calendar year following the one in which this
15 act takes effect.

16 After the beginning of each calendar year, the county
17 commissioners or, in the case of a joint-county department of
18 health the joint-county health commission, or the executive or
19 executive body of any municipality eligible for State grants
20 under section 15 of this act, shall submit to the State
21 Secretary of Health, at such time as he shall require and on
22 forms prescribed by him, an annual estimate of expenditures of
23 the county department of health or the department or board of
24 health of the municipality. In the case of a county department
25 of health, the annual estimate of expenditures shall state the
26 names of the exempt municipalities which have not decided to
27 become subject to its jurisdiction in accordance with section 15
28 of this act.

29 The State Secretary of Health shall examine each annual
30 estimate of expenditures and shall deduct therefrom all items

1 which do not represent expenditures within the lawful scope of
2 the powers of the particular county department of health or the
3 department or board of health of the municipality. Upon the
4 total amount of the remaining expenditures, the State Secretary
5 of Health shall compute the annual grant. The annual grant shall
6 equal fifty per cent (50%) of the total of the remaining
7 expenditures, but no annual grant shall exceed the product
8 obtained by multiplying the population of the area within the
9 jurisdiction of the county department of health or within the
10 jurisdiction of the department or board of health of the
11 municipality times [three dollars (\$3.00)] four dollars fifty
12 cents (\$4.50).

13 The annual grant shall be paid in four quarterly
14 installments, but the moneys received in any quarter may be used
15 any time during the year.

16 The first installment shall be for the quarter beginning
17 January first and ending March thirty-first; the second
18 installment shall be for the quarter beginning April first and
19 ending June thirtieth; the third installment shall be for the
20 quarter beginning July first and ending September thirtieth; and
21 the fourth installment shall be for the quarter beginning
22 October first and ending December thirty-first. Each installment
23 shall be paid only if it is approved by the State Secretary of
24 Health. The State Secretary of Health shall approve the payment
25 of any quarterly installment of an annual grant to a county
26 department of health or to a municipality eligible under section
27 15 of this act only if he finds:

28 (1) that such county department of health or municipality is
29 complying with any and all regulations of the State Department
30 of Health prescribing minimum public health activities, minimum

1 standards of performance of health services, and standards of
2 personnel administration on a merit basis; and

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

5 If the State Secretary of Health approves the payment of the
6 first quarterly installment of an annual grant to a county
7 department of health or to a municipality eligible under section
8 15 of this act, he shall draw a requisition for such installment
9 upon the State Auditor General in favor of the county department
10 of health or municipality within fifteen (15) days after he has
11 received the annual estimate of expenditures. If the State
12 Secretary of Health approves the payment of any subsequent
13 quarterly installment of an annual grant to a county department
14 of health or to a municipality eligible under section 15 of this
15 act, he shall draw a requisition for such installment upon the
16 State Auditor General in favor of the county department of
17 health or municipality at least fifteen (15) days before the
18 first day of the quarter for which the payment is to be made.

19 In the event that a municipality or part of a municipality
20 becomes subject to the jurisdiction of a county department of
21 health in accordance with section 15 of this act prior to the
22 first day of September, the county commissioners or, in the case
23 of a joint-county department of health the joint-county health
24 commission, may submit to the State Secretary of Health, on
25 forms prescribed by him, an estimate of additional expenditures
26 to cover the operation of the county department of health for
27 the balance of the calendar year. The estimate shall state the
28 name of the municipality and the date on which it became subject
29 to the jurisdiction of the county department of health. The
30 estimate shall be submitted at least thirty (30) days before the

1 first day of any quarter following the one in which the
2 municipality or the part of a municipality became subject to the
3 jurisdiction of the county department of health.

4 The State Secretary of Health shall examine the estimate of
5 additional expenditures and shall deduct therefrom all items
6 which do not represent expenditures within the lawful scope of
7 the powers of the particular county department of health. Upon
8 the total amount of the remaining expenditures, the State
9 Secretary of Health shall compute the additional grant. The
10 additional grant shall equal fifty percent (50%) of the
11 remaining expenditures, but no additional grant shall exceed the
12 product obtained by multiplying the population of the
13 municipality or the part of a municipality times the number of
14 months remaining in the calendar year from the date the
15 municipality or the part of a municipality became subject to the
16 jurisdiction of the county department of health times twenty-
17 five cents (25¢). For the purpose of computation, any fraction
18 of a month shall be counted as one month. The additional grant
19 shall be added to and become part of the balance of the annual
20 grant remaining to be paid.

21 (c) Adjustment of Initial and Annual Grants. After the end
22 of every calendar year in which a county department of health or
23 a municipality received an initial grant or all or part of an
24 annual grant, there shall be an adjustment of such initial or
25 annual grant on the basis of the actual expenditures of the
26 county department of health or the department or board of health
27 of the municipality during the year. Any additional grants to
28 which a county department of health or a municipality may be
29 entitled under the provisions of this subsection shall be paid[,
30 if sufficient funds have been appropriated to pay the full

1 amount of such grants]. Within fifteen (15) days after the end
2 of the calendar year, the county commissioners or, in the case
3 of a joint-county department of health the joint-county health
4 commission, or the executive or executive body of the
5 municipality, shall submit to the State Secretary of Health, on
6 forms prescribed by him, a sworn, itemized statement of all the
7 expenditures made by the county department of health or the
8 department or board of health of the municipality during the
9 previous year. The statement shall show the dates on which the
10 expenditures were made and shall indicate which of the
11 expenditures were made out of any special grants received from
12 the State or out of any grants received directly from the
13 Federal Government. In the case of a county department of
14 health, the statement shall indicate the name of any
15 municipality which became subject to its jurisdiction in
16 accordance with section 15 of this act and the date on which the
17 municipality became subject to its jurisdiction.

18 The State Secretary of Health shall examine each statement
19 and shall deduct therefrom all the expenditures made during any
20 quarter or quarters of the calendar year for which no
21 installments of an annual grant were paid to the county
22 department of health or municipality because of its failure to
23 comply with the requirements of subsection (b) of this section.
24 He shall then deduct from the remaining expenditures: (1) those
25 items paid for out of any special grants received from the
26 State; (2) those items paid for out of any grants received
27 directly from the Federal Government; and (3) those items which
28 do not represent expenditures made within the lawful scope of
29 the powers of the county department of health or the department
30 or board of health of the municipality. Upon the total amount of

1 the remaining expenditures, the State Secretary of Health shall
2 compute the adjusted initial or annual grant.

3 The adjusted initial grant shall equal either (1) fifty per
4 cent (50%) of the total of the remaining expenditures, or (2)
5 the product obtained by multiplying the population of the area
6 within the jurisdiction of the county department of health at
7 the time of its establishment times the number of months for
8 which the initial grant was paid as determined in subsection (a)
9 of this section times twenty-five cents (25¢), whichever figure
10 is the lower. In the event that a municipality or part of a
11 municipality became subject to the jurisdiction of the county
12 department of health during the year in accordance with section
13 15 of this act, there shall be added to the amount arrived at by
14 applying the formula set out in clause (2) of this paragraph the
15 product obtained by multiplying the population of the
16 municipality or the part of a municipality times the number of
17 months it was subject to the jurisdiction of the county
18 department of health times twenty-five cents (25¢). For the
19 purpose of computation, any fraction of a month shall be counted
20 as one month.

21 In the case of a county department of health, the adjusted
22 annual grant shall equal either (1) fifty per cent (50%) of the
23 total of the remaining expenditures, or (2) the product obtained
24 by multiplying the population of the area within the
25 jurisdiction of the county department of health at the beginning
26 of the calendar year times the number of quarters for which
27 installments of the annual grant were paid times seventy-five
28 cents (75¢), whichever figure is the lower. In the event that a
29 municipality or part of a municipality became subject to the
30 jurisdiction of the county department of health during the year

1 in accordance with section 15 of this act, there shall be added
2 to the amount arrived at by applying the formula set out in
3 clause (2) of this paragraph the product obtained by multiplying
4 the population of the municipality or the part of a municipality
5 times the number of months during which it was subject to the
6 jurisdiction of the county department of health times twenty-
7 five cents (25¢); except that any month which fell in a quarter
8 for which no installment of the annual grant was paid to the
9 county department of health shall not be counted. For the
10 purpose of computation any fraction of a month shall be counted
11 as one month.

12 In the case of a municipality, the adjusted annual grant
13 shall equal either (1) fifty percent (50%) of the total of the
14 remaining expenditures, or (2) the product obtained by
15 multiplying the population of the area within the jurisdiction
16 of the department or board of health of the municipality times
17 the number of months during which it was not subject to the
18 jurisdiction of a county department of health times twenty-five
19 cents (25¢), whichever figure is the lower. In applying the
20 formula set out in clause (2) of this paragraph, any month which
21 fell in a quarter for which no installment of the annual grant
22 was paid to the municipality shall not be counted. For the
23 purpose of computation any fraction of a month shall be counted
24 as one month.

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

1 the amount by which the adjusted initial or annual grant exceeds
2 the initial or annual grant actually received.

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

18 (d) Environmental Health Services.--The Commonwealth shall
19 pay an additional annual grant of [not more than] seventy-five
20 cents (75¢) per capita resident to each county department of
21 health or department or board of health of a municipality
22 eligible for grants under this act for environmental health
23 services provided by the county or municipality.

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

30 Section 2. This act shall take effect in 60 days.