

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 AND PETRONE, FEBRUARY 7, 1989

REFERRED TO COMMITTEE ON APPROPRIATIONS, FEBRUARY 7, 1989

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
27 (P.L.340, No.95), 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 [four
22 dollars and fifty cents (\$4.50)] six dollars (\$6.00) per year
23 for every person within the jurisdiction of the county
24 department of health or the department or board of health of the
25 municipality.

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

30 (a) Initial Grants. Every county department of health

1 created under this act shall receive an initial grant as
2 provided in this section if sufficient funds have been
3 appropriated to pay the full amount of such grant.

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

16 The State Secretary of Health shall examine each initial
17 estimate of 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 initial grant.

22 The initial grant shall equal fifty per cent (50%) of the
23 total of the remaining expenditures, but no initial grant shall
24 exceed the product obtained by multiplying the population of the
25 area within the jurisdiction of the county department of health
26 times the number of months covered by the initial estimate of
27 expenditures times [thirty-seven and one-half cents (37 1/2¢)]
28 fifty cents (50¢). For the purpose of computation, any fraction
29 of a month shall be counted as one month.

30 Thirty (30) days after he has received the initial estimate

1 of expenditures, the State Secretary of Health shall draw a
2 requisition upon the State Auditor General in favor of the
3 particular county department of health for the amount of the
4 initial grant.

5 In the event that a municipality or part of a municipality
6 becomes subject to the jurisdiction of a county department of
7 health in accordance with section 15 of this act after the date
8 of establishment but prior to the first day of October of the
9 same year, the county commissioners or, in the case of a joint-
10 county department of health the joint-county health commission,
11 may submit to the State Secretary of Health, on forms prescribed
12 by him, an estimate of additional expenditures to cover the
13 operation of the county department of health for the balance of
14 the calendar year. The estimate shall state the name of the
15 municipality and the date on which it became subject to the
16 jurisdiction of the county department of health. The State
17 Secretary of Health shall examine the estimate of additional
18 expenditures and shall deduct therefrom all items which do not
19 represent expenditures within the lawful scope of the powers of
20 the particular county department of health. Upon the total
21 amount of the remaining expenditures, the State Secretary of
22 Health shall compute the additional grant. The additional grant
23 shall equal fifty percent (50%) of the total of the remaining
24 expenditures, but no additional grant shall exceed the product
25 obtained by multiplying the population of the municipality or
26 the part of a municipality times the number of months remaining
27 in the calendar year from the date the municipality or the part
28 of a municipality became subject to the jurisdiction of the
29 county department of health times [thirty-seven and one-half
30 cents (37 1/2¢)] fifty cents (50¢). For the purpose of

1 computation, any fraction of a month shall be counted as one
2 month.

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

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

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

1 The State Secretary of Health shall examine each annual
2 estimate of expenditures and shall deduct therefrom all items
3 which do not represent expenditures within the lawful scope of
4 the powers of the particular county department of health or the
5 department or board of health of the municipality. Upon the
6 total amount of the remaining expenditures, the State Secretary
7 of Health shall compute the annual grant. The annual grant shall
8 equal fifty per cent (50%) of the total of the remaining
9 expenditures, but no annual grant shall exceed the product
10 obtained by multiplying the population of the area within the
11 jurisdiction of the county department of health or within the
12 jurisdiction of the department or board of health of the
13 municipality times [four dollars and fifty cents (\$4.50)] six
14 dollars (\$6.00).

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

18 The first installment shall be for the quarter beginning
19 January first and ending March thirty-first; the second
20 installment shall be for the quarter beginning April first and
21 ending June thirtieth; the third installment shall be for the
22 quarter beginning July first and ending September thirtieth; and
23 the fourth installment shall be for the quarter beginning
24 October first and ending December thirty-first. Each installment
25 shall be paid only if it is approved by the State Secretary of
26 Health. The State Secretary of Health shall approve the payment
27 of any quarterly installment of an annual grant to a county
28 department of health or to a municipality eligible under section
29 15 of this act only if he finds:

30 (1) that such county department of health or municipality is

1 complying with any and all regulations of the State Department
2 of Health prescribing minimum public health activities, minimum
3 standards of performance of health services, and standards of
4 personnel administration on a merit basis; and

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

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

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

1 to the jurisdiction of the county department of health. The
2 estimate shall be submitted at least thirty (30) days before the
3 first day of any quarter following the one in which the
4 municipality or the part of a municipality became subject to the
5 jurisdiction of the county department of health.

6 The State Secretary of Health shall examine the estimate of
7 additional expenditures and shall deduct therefrom all items
8 which do not represent expenditures within the lawful scope of
9 the powers of the particular county department of health. Upon
10 the total amount of the remaining expenditures, the State
11 Secretary of Health shall compute the additional grant. The
12 additional grant shall equal fifty percent (50%) of the
13 remaining expenditures, but no additional grant shall exceed the
14 product obtained by multiplying the population of the
15 municipality or the part of a municipality times the number of
16 months remaining in the calendar year from the date the
17 municipality or the part of a municipality became subject to the
18 jurisdiction of the county department of health times [thirty-
19 seven and one-half cents (37 1/2¢)] fifty cents (50¢). For the
20 purpose of computation, any fraction of a month shall be counted
21 as one month. The additional grant shall be added to and become
22 part of the balance of the annual grant remaining to be paid.

23 (c) Adjustment of Initial and Annual Grants. After the end
24 of every calendar year in which a county department of health or
25 a municipality received an initial grant or all or part of an
26 annual grant, there shall be an adjustment of such initial or
27 annual grant on the basis of the actual expenditures of the
28 county department of health or the department or board of health
29 of the municipality during the year. Any additional grants to
30 which a county department of health or a municipality may be

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

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

1 the powers of the county department of health or the department
2 or board of health of the municipality. Upon the total amount of
3 the remaining expenditures, the State Secretary of Health shall
4 compute the adjusted initial or annual grant.

5 The adjusted initial grant shall equal either (1) fifty per
6 cent (50%) of the total of the remaining expenditures, or (2)
7 the product obtained by multiplying the population of the area
8 within the jurisdiction of the county department of health at
9 the time of its establishment times the number of months for
10 which the initial grant was paid as determined in subsection (a)
11 of this section times [thirty-seven and one-half cents (37
12 1/2¢)] fifty cents (50¢), whichever figure is the lower. In the
13 event that a municipality or part of a municipality became
14 subject to the jurisdiction of the county department of health
15 during the year in accordance with section 15 of this act, there
16 shall be added to the amount arrived at by applying the formula
17 set out in clause (2) of this paragraph the product obtained by
18 multiplying the population of the municipality or the part of a
19 municipality times the number of months it was subject to the
20 jurisdiction of the county department of health times [thirty-
21 seven and one-half cents (37 1/2¢)] fifty cents (50¢). For the
22 purpose of computation, any fraction of a month shall be counted
23 as one month.

24 In the case of a county department of health, the adjusted
25 annual grant shall equal either (1) fifty per cent (50%) of the
26 total of the remaining expenditures, or (2) the product obtained
27 by multiplying the population of the area within the
28 jurisdiction of the county department of health at the beginning
29 of the calendar year times the number of quarters for which
30 installments of the annual grant were paid times [one dollar and

1 twelve and one-half cents (\$1.12 1/2)] one dollar and fifty
2 cents (\$1.50), whichever figure is the lower. In the event that
3 a municipality or part of a municipality became subject to the
4 jurisdiction of the county department of health during the year
5 in accordance with section 15 of this act, there shall be added
6 to the amount arrived at by applying the formula set out in
7 clause (2) of this paragraph the product obtained by multiplying
8 the population of the municipality or the part of a municipality
9 times the number of months during which it was subject to the
10 jurisdiction of the county department of health times [thirty-
11 seven and one-half cents (37 1/2¢)] fifty cents (50¢); except
12 that any month which fell in a quarter for which no installment
13 of the annual grant was paid to the county department of health
14 shall not be counted. For the purpose of computation any
15 fraction of a month shall be counted as one month.

16 In the case of a municipality, the adjusted annual grant
17 shall equal either (1) fifty percent (50%) of the total of the
18 remaining expenditures, or (2) the product obtained by
19 multiplying the population of the area within the jurisdiction
20 of the department or board of health of the municipality times
21 the number of months during which it was not subject to the
22 jurisdiction of a county department of health times [thirty-
23 seven and one-half cents (37 1/2¢)] fifty cents (50¢), whichever
24 figure is the lower. In applying the formula set out in clause
25 (2) of this paragraph, any month which fell in a quarter for
26 which no installment of the annual grant was paid to the
27 municipality shall not be counted. For the purpose of
28 computation any fraction of a month shall be counted as one
29 month.

30 If the adjusted initial or annual grant exceeds the initial

1 or annual grant actually received by a county department of
2 health or a municipality, the State Secretary of Health shall,
3 within fifteen (15) days after receipt of the statement of
4 expenditures, draw a requisition upon the State Auditor General
5 in favor of such county department of health or municipality for
6 the amount by which the adjusted initial or annual grant exceeds
7 the initial or annual grant actually received.

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

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

30 As used in this subsection "environmental health services"

1 means services such as but not limited to air and noise
2 pollution control, restaurant and wholesale food inspection,
3 rodent and vector control, water and sewage inspection, housing
4 code enforcement and other similar services in addition to other
5 local health grants for public health services.

6 Section 2. This act shall take effect July 1, 1989, or
7 immediately, whichever is later.