

No. 1990-179

AN ACT

HB 267

Amending the act of August 24, 1951 (P.L.1304, No.315), entitled, as amended, "An act to improve local health administration throughout the Commonwealth by authorizing the creation, establishment and administration of single-county or joint-county departments of health in all counties; exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health; permitting the dissolution of departments or boards of health in certain municipalities; authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements; conferring powers and duties upon the State Department of Health in connection with the creation, establishment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health, and the administration of State grants; and repealing an act which confers health powers upon counties of the first class," further providing for State grants to county departments of health and to certain municipalities.

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

Section 1. Section 25 of the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, amended May 24, 1984 (P.L.328, No.65) and December 18, 1985 (P.L.340, No.95), is amended to read:

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

In the event that sufficient funds to pay the full amount of the grants to which county departments of health and certain municipalities may be entitled under subsections (a), (b) and (c) of this section have not been appropriated, the State Secretary of Health, with the advice of the Advisory Health Board, shall distribute such funds as are available among county departments of health and municipalities eligible for State grants under section 15 of this act on an equitable basis, without reference to the procedure outlined in subsections (a), (b) and (c) of this section; except that no county department of health or municipality shall receive a grant which exceeds **[four dollars and fifty cents (\$4.50) per year]** *five dollars and twenty-five cents (\$5.25) in fiscal year 1990-1991, and six dollars (\$6.00) in fiscal year 1991-1992 and each fiscal year thereafter*, for every person within the jurisdiction of the county department of health or the department or board of health of the municipality.

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

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

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

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

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

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

In the event that a municipality or part of a municipality becomes subject to the jurisdiction of a county department of health in accordance with section 15 of this act after the date of establishment but prior to the first day of October of the same year, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, may submit to the State Secretary of Health, on forms prescribed by him, an estimate of additional expenditures to cover the operation of the county department of health for the balance of the calendar year. The estimate shall state the name of the municipality and the date on which it became subject to the jurisdiction of the county department of health. The State Secretary of Health shall examine the estimate of additional expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health.

Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the additional grant. The additional grant shall equal fifty percent (50%) of the total of the remaining expenditures, but no additional grant shall exceed the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months remaining in the calendar year from the date the municipality or the part of a municipality became subject to the jurisdiction of the county department of health times **[thirty-seven and one-half cents (37 1/2¢)]** *forty-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.

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

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

After the beginning of each 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 any municipality eligible for State grants under section 15 of this act, shall submit to the State Secretary of Health, at such time as he shall require and on forms prescribed by him, an annual estimate of expenditures of the county department of health or the department or board of health of the municipality. In the case of a county department of health, the annual estimate of expenditures shall state the names of the exempt municipalities which have not decided to become subject to its jurisdiction in accordance with section 15 of this act.

The State Secretary of Health shall examine each annual estimate of expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health or the department or board of health of the municipality. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the annual grant. The annual grant shall equal fifty per cent (50%) of the total of the remaining expenditures, but no annual grant shall exceed the product obtained by multiplying the population of the area within the jurisdiction of the county department of health or within the jurisdiction of the department or board of health of the municipality times **[four dollars and fifty cents (\$4.50)]** *five dollars and twenty-five cents (\$5.25) in fiscal year 1990-1991, and six dollars (\$6.00) in fiscal year 1991-1992 and each fiscal year thereafter.*

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

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

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

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

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

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

The State Secretary of Health shall examine the estimate of additional expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county

department of health. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the additional grant. The additional grant shall equal fifty percent (50%) of the remaining expenditures, but no additional grant shall exceed the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months remaining in the calendar year from the date the municipality or the part of a municipality became subject to the jurisdiction of the county department of health times ~~[thirty-seven and one-half cents (37 1/2¢)]~~ *forty-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 accordance with section 15 of this act and the date on which the municipality became subject to its jurisdiction.

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

The adjusted initial grant shall equal either (1) fifty per cent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the county department of health at the time of its establishment times the number of months for which the initial grant was paid as determined in subsection (a) of this section times **[thirty-seven and one-half cents (37 1/2¢)]** *forty-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*, whichever figure is the lower. In the event that a municipality or part of a municipality became subject to the jurisdiction of the county department of health during the year in accordance with section 15 of this act, there shall be added to the amount arrived at by applying the formula set out in clause (2) of this paragraph the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months it was subject to the jurisdiction of the county department of health times **[thirty-seven and one-half cents (37 1/2¢)]** *forty-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.

In the case of a county department of health, the adjusted annual grant shall equal either (1) fifty per cent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the county department of health at the beginning of the calendar year times the number of quarters for which installments of the annual grant were paid times **[one dollar and twelve and one-half cents (\$1.12 1/2)]** *one dollar and thirty-one and one-fourth cents (\$1.31 1/4) in fiscal year 1990-1991, and one dollar and fifty cents (\$1.50) in fiscal year 1991-1992 and each fiscal year thereafter*, whichever figure is the lower. In the event that a municipality or part of a municipality became subject to the jurisdiction of the county department of health during the year in accordance with section 15 of this act, there shall be added to the amount arrived at by applying the formula set out in clause (2) of this paragraph the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months during which it was subject to the jurisdiction of the county department of health times **[thirty-seven and one-half cents (37 1/2¢)]** *forty-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*; except that any month which fell in a quarter for which no installment of the annual grant was paid to the county department of health shall not be counted. For the purpose of computation any fraction of a month shall be counted as one month.

In the case of a municipality, the adjusted annual grant shall equal either (1) fifty percent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the department or board of health of the municipality times the number of months during which it was not subject to the jurisdiction of a county department of health times **[thirty-seven and one-half cents (37 1/2¢)]**

forty-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, whichever figure is the lower. In applying the formula set out in clause (2) of this paragraph, any month which fell in a quarter for which no installment of the annual grant was paid to the municipality shall not be counted. For the purpose of computation any fraction of a month shall be counted as one month.

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

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

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

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

Section 2. This act shall apply retroactively to July 1, 1990, if it is enacted after that date.

Section 3. This act shall take effect July 1, 1990, or immediately, whichever is later.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY