

# LEGISLATIVE BULLETIN

## COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA THE VOICE OF PENNSYLVANIA COUNTIES

### COUNTY PRIORITIES SPOTLIGHT: COUNTIES TESTIFY ON 911 REAUTHORIZATION

On September 11, Snyder County commissioner Joe Kantz and Dauphin County commissioner Mike Pries offered testimony at a Senate Veterans Affairs and Emergency Preparedness Committee **hearing** on reauthorization of Pennsylvania's 911 law. In addition to counties, the Committee heard testimony from representatives from the Pennsylvania Emergency Management Agency (PEMA), National Emergency Number Association (NENA), Pennsylvania Telephone Association, CTIA, and the state Legislative Budget and Finance Committee (LBFC).

The commissioners' **testimony** highlighted CCAP's ask to raise the 911 surcharge from \$1.65 to \$2.30, with a \$0.15 annual increase over a five-year reauthorization, offering additional, dedicated state revenues to offset counties' growing reliance on property tax dollars to fund the 911 system. Pries emphasized the impact of the relatively stagnant surcharge revenues since the last surcharge increase in 2015, and outlined system needs as Pennsylvania works toward full statewide implementation of Next Generation (NG) 911. With counties currently funding more than one-third of system costs through property taxes, the need for a dedicated funding source that more accurately meets system demands is essential to providing this critical public service.

Kantz echoed those sentiments and discussed how counties have been able to achieve cost savings through shared use of systems and infrastructure, and highlighted the pros and cons of consolidating Public Safety Answering Points (PSAPs), noting it must be a local decision. Finally, counties stressed the need to enact a reauthorization bill, and not just an extension of the current law, as soon as possible to avoid any potential delays past the January 31, 2024, statutory deadline. If the law lapses, funding for 911 goes to zero, leaving counties to shoulder the entire burden of funding the 911 system with property tax dollars. On the other hand, if the statute is simply extended without any additional funding, counties' share of the funding will increase to nearly 38% in 2024, which will come in the form of property tax increases across the commonwealth.

To that effect, CCAP recently released a **statement** debunking myths about 911 system costs and urgently calling on the General Assembly and Administration to act swiftly on a 911 reauthorization. The statement highlights the work counties have engaged in since Act 12 of 2015 to achieve cost-savings but hits on the cost challenges the system faces now and into the future, such as technology and equipment needs, software upgrades, operations and staffing. Pennsylvania is unlike other states where the surcharge is the only dedicated funding source as there is no state General Fund assistance or other revenue source to fund this essential public safety function. Pennsylvanians want to be heard in the most challenging or devastating moments of their lives, and they want to know help is on the way. An extra 65 cents per month for peace of mind is an incredible value.

It is unclear when further action on 911 reauthorization legislation will occur in the General Assembly.

### SENATE APPROVES BILL MOVING 2024 PRIMARY, SHORTENING ELECTION CALENDAR

On September 20, the Senate approved, by a vote of **45-2**, legislation that would move the date of the 2024 Presidential Primary, while moving forward the petition period. Specifically, **SB 224**, sponsored by Sen. David Argall (R-Schuylkill), would amend the Election Code to move only the 2024 primary to March 19 instead of the fourth Tuesday of April. Prior to final approval, the bill was further amended by the Senate State Government Committee to bring the petition period forward by several weeks, to January 2 to 23, removing several weeks between the petition deadline and Election Day. This shorter

election calendar would create unreasonable timeframes to resolve petition challenges and for counties to then finalize and print ballots.

While counties do not have a position on whether the 2024 Presidential Primary election should be moved, or to what date, counties cannot support any change that shortens the election calendar, thereby creating the possibility of significant operational issues because of the trickle-down effect of these inadequate timeframes.

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## OSHA FOR PUBLIC EMPLOYEES PROPOSAL RECEIVES SENATE HEARING

At a hearing of the Senate Intergovernmental Operations Committee on September 19, CCAP Risk Management Director Keith Wentz and Government Relations Manager Melissa Gates **testified** on **HB 299** (Rep. Pat Harkins, D-Erie), which would create a state Occupational Safety and Health Act (OSHA) for public employees.

CCAP emphasized that public worker safety is of the utmost importance to counties and explained the considerable measures counties take as employers to ensure their workplaces are safe. Most local governments are actively engaged in risk management activities and measures to protect the safety of employees, such as training, workplace inspections, risk management and other procedures to promote worker safety and reduce the costs of liability and workers' compensation insurance.

Additionally, counties are already covered by a wide variety of workplace safety statutes and regulations in place in Pennsylvania, making HB 299 duplicative and confusing within current requirements. Despite the well-intended goals of HB 299, CCAP noted the legislation would be very costly compared to any potential benefit, while uprooting the many safety procedures already in place. Furthermore, many OSHA requirements are not applicable to the types of work and positions that local governments oversee.

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## GOVERNOR IMPLEMENTS AUTOMATIC VOTER REGISTRATION

On September 19, National Voter Registration Day, Governor Shapiro **announced** the implementation of automatic voter registration in the commonwealth. The process uses the previous voter registration system, also known as "motor voter," available to eligible residents obtaining a new or renewed driver's license or photo identification card at a PennDOT facility. However, where the system previously asked residents whether they wanted to opt in and register to vote, residents will now be automatically taken through the voter registration process unless they choose to opt out. Counties will continue to receive automatic updates when these applications are submitted and verify voter registrations as they had done under the previous motor voter system.

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## SPECIAL ELECTION REESTABLISHES HOUSE MAJORITY

A special election for the Pennsylvania House 21st District has restored a 102-101 majority to Democrats in the state House of Representatives. According to unofficial election results as of September 22, Lindsay Powell (D) had secured the vacant seat left by former Rep. Sara Innamorato, who resigned her seat in July. The House is currently scheduled to return to session on September 26, but will maintain a 101-101 even party split until the election results are officially certified and Powell is sworn in.

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## COLLECTIVE BARGAINING TRANSPARENCY BILL CONSIDERED IN COMMITTEE

The Senate State Government Committee recently considered legislation to require additional information be publicly disclosed during collective bargaining negotiations. **Senate Bill 399**, sponsored by Sen. Patrick Stefano (R-Fayette), would require proposed collective bargaining agreements to be made available on a public employers' publicly accessible website within 48 hours of receipt of the proposed collective bargaining agreement with notice of proposed agreements posted online two weeks prior to and 30 days following their signing. The bill was amended in committee to remove language requiring any documents produced during negotiations be subject to the Right-to-Know Law, addressing concerns raised by both counties and the Office of Open records. As amended, the legislation was voted favorably out of committee on a vote of **7-3** and is now before the full Senate for further consideration.

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## LEGISLATION TO COLLECT FEES FOR COMMERCIAL

## REQUESTS PASSES SENATE COMMITTEE

The Senate State Government Committee recently voted unanimously to approve in favor of [SB 210](#), sponsored by former county commissioner Sen. Michele Brooks (R-Mercer), to amend the Right-to-Know Law to address the burdens associated with commercial requests. Counties are currently unable to recoup any of the costs related to these requests, because the current statutory fee structure does not allow any fees beyond duplication and mailing costs. To address this, SB 210 would create a process under which agencies, including local governments, could charge a reasonable fee for requests made for commercial purposes, removing the current burden on taxpayers who are currently on the hook for these costs.

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## NEW WOTUS DEFINITION ISSUED

On August 29, the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers issued a final rule modifying the definition of Waters of the United States (WOTUS) to align with the Supreme Court's verdict in *Sackett v. EPA*. The conforming rule, effective September 8, 2023, serves as a key win for counties, narrowing the scope of federally regulated waters, however, it is unclear if the conforming rule, which fails to define "relatively permanent" may face future legal challenges or changes. Depending on definitional applicability, counties may need to apply for a federal permit to maintain or build new infrastructure projects. More information on the final conforming rule can be found on the EPA [website](#). Additionally, an overview of WOTUS and its impact on counties can be found on the National Association of Counties (NACo) WOTUS [webpage](#).

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## STATE SEEKING FEEDBACK ON MASTER PLAN FOR OLDER ADULTS

In an effort to address the systemic barriers faced by older Pennsylvanians and adults with disabilities, Governor Shapiro has tasked the Pennsylvania Department of Aging to develop a Master Plan for Older Adults. Partnering with the University of Pittsburgh and other Pennsylvania-based entities, the agency's objective is to improve individual health and well-being through needs assessments and essential community feedback.

PDA is requesting broad feedback via an [online survey](#), to assist in developing a more robust and comprehensive plan, improving the quality of life for millions of Pennsylvanians. The survey is open for public comment through September 28.

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