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LEGISLATIVE BULLETIN

COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA
THE VOICE OF PENNSYLVANIA COUNTIES

COUNTY PRIORITIES SPOTLIGHT: SENATE TO RETURN AUGUST 30

The state Senate is currently scheduled to return August 30 with its sights set on outstanding budget issues. While a legislative calendar was not available as the *Bulletin* went to print, media reports have indicated Senate leadership intends to work on timely fall issues, including finalizing budget negotiations. As noted in prior issues of the *Bulletin*, the Governor signed HB 611, enacting the general appropriations of the FY 2023-2024 state budget in early August. However, the General Assembly and Governor have not completed work on what are known as the Code bills, those pieces of legislation that provide authorizing language for how certain funding in the budget is to be used. Several programs and funding, including the \$100 million in federal American Rescue Plan Act (ARPA) dollars that was repurposed from adult mental health to school mental health, as well as the \$7.5 million in new funding for indigent defense, require enabling legislative language to drive out those funds.

There is no further indication of other time-limited issues that may be considered by the Senate, but counties are paying special attention to any discussions around the 911 reauthorization or moving the 2024 Presidential primary date. Counties need the General Assembly to act quickly to reauthorize the state's 911 statute before the January 31, 2024, sunset, and call for adequate funding to match the complex and growing needs of the system. In addition, counties note that the logistical window to properly plan and implement changes to the Presidential primary – such as moving thousands of polling places, rescheduling tens of thousands of poll workers and being preparing petition packets and other materials – is rapidly closing as they prepare to administer the November municipal election and related post-election tasks throughout the rest of 2023.

CCAP will continue to monitor and post updates on any further budget movement on the Budget News [webpage](#).

SETTLEMENT REQUIRES VOTING MACHINE MALFUNCTION REPORTS

A 2019 court case between several election interest groups and the Department of State over security concerns of state-certified election equipment was recently settled in Commonwealth Court. The [settlement](#) will require counties to submit reports of malfunctions to the Department of State within 60 days following an election, beginning with the November 2023 election. The Department of State will be tasked with developing more specific information and guidance for counties, including a clear definition for what qualifies as a malfunction and how those are to be reported. Further, the settlement requires counties with ExpressVote XL voting machines to perform most recent software updates. Counties should expect to hear more information directly from Department of State in the coming weeks.

NEW TREASURY GUIDANCE FOR ARPA FLEXIBILITY LEGISLATION

On August 10, the U.S. Department of Treasury released an Interim Final Rule for the bipartisan State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, which provides counties with the flexibility to invest the \$65.1 billion that was allocated under the American Rescue Plan Act's (ARPA) State and Local Fiscal Recovery Fund (SLFRF) in transportation and infrastructure, disaster relief and community development.

According to a National Association of Counties (NACo) [analysis](#), there are several newly eligible uses, but the Interim Final Rule does not alter existing eligible uses for SLFRF as outlined under the [2022 Final Rule](#). Several of the new uses include emergency relief from natural disasters and emergency protective measures, surface transportation projects and Community Development Block Grant (CBDG) projects.

At the time of publication of the *Legislative Bulletin*, the Final Rule has not been published in the Federal Register. additional information can be found on the NACo website, www.naco.org.

IFO RELEASES PROPERTY TAX BURDEN FINDINGS

The Independent Fiscal Office (IFO) recently released a [report](#) on property tax burden by county in the commonwealth. The report measures a countywide average and reflects all current-year and delinquent school district, county and municipal property taxes paid by homeowners, renters, landlords and business owners and encompasses all property taxes. The property tax burden is composed of the ratio of total property taxes to total income.

Findings indicated Pennsylvanians paid \$22 billion in property taxes statewide, representing 2.57% of total income in FY 2021-2022. Monroe County had the highest property tax burden in the state at 4.73% and Snyder County was found to have the lowest burden at 1.51% of income. The report also identified trends among individual county data, noting the eastern region of the state generally had a higher burden, with the exception of Philadelphia County, which relies more heavily on personal income tax. Additionally, rural counties tended to have higher tax burdens due to aging populations and lower per capita income levels as Social Security, pensions and savings income comprised a greater share of total county income.

RECYCLING REPORT RELEASED

The Joint State Government Commission (JSGC) recently released a [report](#) on recycling strategies in the commonwealth, following the directive of Senate Resolution 285 of 2022 to conduct an assessment and analysis of public and private recycling infrastructure and operations across the Commonwealth. The report notes the amount of recyclable materials, including cardboard, paperboard, steel, aluminum, plastic and glass, has increased astronomically but so has the impact of contamination of products since Act 101, Pennsylvania's Municipal Waste Planning, Recycling and Waste Reduction Act, was first passed. Due to the lack of foreign markets for recycling waste and high cost of processing recycled materials, the cost of processing recycled material has increased and money in the state's Recycling Fund for grants is insufficient to keep up with costs.

The report also makes several recommendations on improving recycling in Pennsylvania, including need for better data collection commonwealth-wide, updating statutes to incentivize use of recycled materials, improving education to residents, improving municipal and county coordination and others. Of particular note is the recommendation to increase the recycling fee paid on municipal solid waste disposal, which is set by Act 101 at \$2 per ton to provide funding for grants to local governments, and has never been increased or adjusted for inflation. The report finds the fee is insufficient to cover these grants from the Department of Environmental Protection to local governments to administer recycling programs, which is consistent with reviews by the state's Solid Waste Advisory Council (SWAC).

The full report can be found on the Joint State Government Commission [website](#) under "publications."

CCAP COMMITTEE NOMINATIONS OPEN

CCAP members who want a voice in shaping Association policy are encouraged to submit their name to be considered for appointment to a policy committee. The committees, which cover a broad range of issues related to county government, give members an opportunity to offer input on policy matters at the state and federal levels. For more information and to complete the form to seek a CCAP committee appointment, CCAP members can submit a [CCAP Committee Interest Form](#) on the CCAP website.

[Other CCAP Publications](#)

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