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LEGISLATIVE BULLETIN

COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA
THE VOICE OF PENNSYLVANIA COUNTIES

COUNTY PRIORITIES SPOTLIGHT: GOVERNOR ANNOUNCES BEHAVIORAL HEALTH COUNCIL

On October 10, Governor Shapiro signed an **Executive Order** creating a statewide Behavioral Health Council composed of state leaders, county governments and community providers. The Council is charged with developing specific recommendations to decrease wait times for services, as well as to streamline mental health treatments and addiction care. Along with state leadership, members of the council will include two representatives from county mental health offices, two representatives from county drug and alcohol services, and two representatives from Area Agencies on Aging. The Executive Order also creates an Advisory Committee to the Council that will be responsible for sharing industry knowledge, expertise, data and feedback, with representation from county government with broad human services knowledge, including behavioral health, child welfare services and drug and alcohol services as well as county commissioners. Appointees to both the Council and Advisory Committee have not yet been named.

As part of their priority to increase state funding for community mental health services, counties have been consistently advocating for the development of a long-term vision for the commonwealth's mental health system and to begin the critical work of stabilizing and rebuilding the state's crumbling mental health system. CCAP is encouraged to see Governor Shapiro's executive order prioritizing the need for a coordinated, action-oriented strategy to meet the behavioral health needs of our residents. As the ones who coordinate and provide these critical services at the local level, counties stand ready to be an active partner in these timely and important conversations, including workforce development and retention, coordination, integration and flexibility, capacity building, and of course, increased and sustainable funding to support the community behavioral health system.

HOUSE AGAIN CONSIDERS MOVING 2024 PRIMARY

During the October 16 session week, the House again brought legislation to move the 2024 primary election up for another vote. **Senate Bill 224**, sponsored by Sen. David Argall (R-Schuylkill), originally proposed to move the primary to March 19, but failed in the House by a vote of **26-177** several weeks ago after being amended to include a wide variety of additional changes to the Election Code. However, during reconsideration of SB 224, the House further amended the bill to simply move the 2024 primary to April 16, without additional reforms. Counties shared their concerns that it is now too late to move the 2024, regardless of what date is chosen, concerns which were reiterated multiple times during the floor debate. While the House ultimately approved this version of SB 224 by a vote of **104-99**, sending it back to the Senate for a concurrence vote, in a statement,

Senate Majority Leader Joe Pittman (R-Indiana) affirming that “the conversation on moving the 2024 primary date has come to an end in the state Senate.”

Counties urge the General Assembly and Governor to continue these conversations so that any changes for 2028 can be made well in advance with plenty of time to implement any changes.

HOUSE COMMITTEE CONSIDERS OPEN PRIMARY PROPOSALS

On October 17, the House State Government Committee considered two pieces of legislation which would open primary elections in Pennsylvania. Specifically, **HB 976**, sponsored by Rep. Marla Brown (R-Lawrence) and **HB 979**, sponsored by Rep. Jared Solomon (D-Philadelphia) would permit “unenrolled electors”, defined as an individual that is not registered with any political party or someone that selected “none” for party affiliation when they registered to vote, to cast a ballot in either the Republican or Democratic primary. Both pieces of legislation were amended with language aiming to clarify provisions around ballot selection, that unenrolled electors cannot select party officers, and address other inconsistencies in Election Code language related to primary elections. The bills were voted favorably out of committee with votes of **13-12** and **14-11**, respectively.

CCAP expressed concerns with the language as drafted, noting the need for further clarity on terminology included in the bills. While counties do not have a formal position on if primaries should or should not be open to all voters, unanswered questions remain with both proposals, including ballot ordering/printing procedures, voter education, additional staffing requirements, unaffiliated ballot registrations and more. In addition, any changes to the Election Code must be made well in advance of an election to allow counties enough time to implement those changes, specifically those involving new procedures, yet this legislation would take effect immediately – presumably for the 2024 primary election. Counties continue to ask that the legislature partner with them for further discussion on any election-related legislation to address all issues upfront while the bills are being developed, rather than causing implementation challenges and potential for voter confusion in the long-term.

OPEN SPACE PRESERVATION TAX OPTION SEES MOVEMENT

The House Local Government Committee recently reported legislation that would allow counties the option to levy a tax to generate revenue for open space preservation. Specifically, **HB 913**, sponsored by Rep. Melissa Schusterman (D-Chester), would give counties the authority to approve, by referendum, a specific property tax millage or local earned income tax to be dedicated to preserving open space. The bill was voted favorably from committee by a vote of **14-11** and is now before the full House for consideration.

HUMAN SERVICES CODE LEGISLATION SENT TO GOVERNOR’S DESK

The General Assembly recently sent legislation to the Governor for his signature that would implement provisions of the FY 2023-2024 state budget. **House Bill 1351**, sponsored by Rep. Dan Frankel (D-Allegheny), codifies the Rural Health Redesign Center Authority (RHRCA) into the Human Services Code and also increases EMS transportation rates by requiring the Department of Human Services to pay for all loaded miles, and requiring the Department to reimburse EMS providers at the greater of Medicare or Medicaid rates for ambulance services. In addition, HB 1351 requires the case-mix rate on which each nursing home’s funding is based to use the same information to determine

those rates in FY 2023-2024 as in FY 2022-2023, so that it will not be influenced by pandemic ambiguities. Finally, the bill reauthorizes the state's hospital assessment, which triggers matching federal funding.

The Senate did not take any further action on the Fiscal Code legislation, [HB 1300](#), which would provide enabling language for other provisions in the FY 2023-2024 state budget and the timeline for consideration remains unclear. CCAP will continue to monitor and post updates on any further budget movement on the Budget News [webpage](#).

BILL OFFERS COUNTY BRIDGE FUNDING FLEXIBILITY

In early October, the Senate unanimously approved [SB 799](#), sponsored by Sen. Greg Rothman (R-Cumberland), which would allow counties the flexibility to also use the \$5 million in county bridge funding they receive under the Motor License Fund for construction and maintenance of bridges owned by municipalities in the county. The bill was further amended to allow similar flexibility for the use of liquid fuels tax funding counties receive. The bill now sits before the House Transportation Committee for further consideration.

SUPPORT VETERANS WITH OPERATION GREEN LIGHT

The National Association of Counties (NACo) and the National Association of County Veterans Service Officers (NACVSO) have pulled together resources for counties to support veterans and raise awareness about important county resources available to help veterans transition to civilian life. Operation Green Light asks counties to light their buildings green from November 6-12 and by shining a green light, county governments and our residents will let veterans know that they are seen, appreciated and supported. More information about Operation Green Light, sample resolutions and other resources to honor the initiative can be found on NACo's [website](#).

CCAP FALL CONFERENCE ACTIVITIES

CCAP's [Fall Conference and Newly Elected Officials Workshop](#) is scheduled to be held in-person at The Hotel Hershey in Dauphin County on November 18-21, 2023. The CCAP policy committees have met to develop their work plans and determine what issues should be advanced as part of the Association's 2024 county legislative priorities list, and CCAP members will vote, both in person and virtually, on the 2024 county legislative priorities during the business meeting of the conference, in addition to consideration of the Association's 2024 action plan and other association business. Information on the voting matters will be emailed to the CCAP membership in advance of the conference.

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CCAP | PO Box 60769, Harrisburg, PA 17106-0769

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