



## **PENNSYLVANIA COUNTY PLATFORM 2023-2024 Official Policy Statement**

### **County Commissioners Association of Pennsylvania**

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## STATEMENT OF PURPOSE

The County Commissioners Association of Pennsylvania is a statewide, nonprofit, bipartisan association representing the commissioners, chief clerks, and solicitors, and their home rule counterparts, in all of Pennsylvania's 67 counties.

The Association serves to strengthen Pennsylvania counties' ability to govern their own affairs and improve the well-being and quality of life of their constituents. To this end, the Association effects the achievement of favorable state legislation, programs and policies, and provides appropriate programs and services to member counties.

Association legislative and regulatory policy is based on the resolutions adopted by the general membership in conjunction with the Annual Conference. These resolutions, taken as a body, are incorporated in the County Platform. Responsibility for developing and pursuing strategies for their implementation falls to the Association board of directors, standing committees, special committees, and staff, with the grassroots assistance of the membership.

The general theme of the Association's legislative and regulatory policy is to seek greater flexibility and autonomy for county government, in the context of the broader intergovernmental system. With most issues, this translates into resolutions favoring generalization of authority in the office of county commissioner or its home rule counterpart, an office closely responsive to the needs and circumstances of the electorate. Comparably, it results in general opposition to actions at the state and federal levels which tend to limit fiscal, administrative or programmatic authority, or which superimpose state and federal priorities over the priorities developed locally.

However, recognizing the interdependence of federal, state, county, and local government, the Association will in some circumstances support legislation or regulations contrary to this general rule of flexibility and autonomy. For this to occur, there must be a rational need for the directive or mandate, and it must be vested with sufficient resources, both fiscal and structural, to permit counties to administer the directive or mandate in a manner which it determines best meets the needs of its constituents.

## **I ASSESSMENT AND TAXATION**

### **A. Tax Fairness**

1. The Association strongly supports action by the Pennsylvania General Assembly to relieve the burden of inequitable local property tax as the principal means of finance for our counties by granting counties broader-based and fairer taxing options, in addition to real estate tax, that include the following elements:

- a. Participation at the discretion of county government;
- b. Authorization for a county to levy a county income tax of up to 1%, on the state personal income tax base;
- c. Extend to counties the authority to levy a county earned income tax of up to 1%;
- d. Authorization for a county to levy a county sales tax of up to 1%, on the same base as the state sales tax;
- e. Implementation by action of the county governing body, with or without referendum;
- f. Provisions to require a county that adopts a new tax base or bases to reduce or repeal existing taxes to assure taxpayers that the result will be revenue neutral;
- g. Provisions to empower counties to use the homestead exclusion, millage rate reductions, property tax/rent rebates or a combination to reduce or repeal existing property taxes; and
- h. Inclusion of language permitting counties not to implement any new state mandate that is not accompanied by state funding. (Amended 2000, amended 2002, amended 2006, amended and readopted 2012, amended 2016, amended 2017, readopted 2021)

2. The Association supports abolition of authorization for the occupation assessment tax. (Amended 1992, readopted 2000, amended and readopted 2012, readopted 2016, readopted 2020)

### **B. Assessment**

1. The Association supports uniformity and equity in property reassessment, and to that end supports enactment of a new assessment law containing the following elements:

- a. Maintenance of the base year assessment methodology, with tools to maintain uniformity and equity of assessments between full-scale reassessments. Such tools may include use of the common level ratio, statistical revaluation, and allowing counties to use current market values to calculate and implement adjustments to values in areas of the county that have appreciated at a faster or slower rate than the remainder of the county, or classes of property that have appreciated at a faster or slower rate than the other classes, without such adjustments being considered spot reassessment;
- b. Provide for an appropriate state agency to oversee the assessment function, including development of attainable standards of fair and equitable assessments, administration of funding programs for county assessment, and auditing sales transactions and other factors used in determining formulas and ratios;

- c. Adequate testing and evaluation of assessments utilizing standards no less stringent than those established by the International Association of Assessment Officials;
- d. Improved building permit reporting systems providing consistent municipal permit issuance thresholds and mandatory reporting to the county;
- e. Effective representation of counties in the development and administration of state functions relating to property assessment;
- f. Statewide uniform assessment ratio based on the base year of, and implemented concurrent with, the county's reassessment;
- g. Maintain minimum training, certification, and recertification standards for county-appointed assessors and revaluation company personnel, with state funding for training costs and with encouragement to counties to authorize training above minimum standards;
- h. Authority to use statistical revaluation, with appropriate standards, as a methodology for performing reassessments;
- i. Standards for appeals that are appropriate and equitable for each class of property, and include the ability to use stratified common level ratios pertinent to each class of property;
- j. A grant of the greater of twenty-five percent of the state share of realty transfer tax collections generated in the county or \$15 per parcel to any county achieving or maintaining the required measure of equity in its assessment program;
- k. Independent verification of the formula and sampling standards used to determine the coefficient of dispersion and the common level ratio;
- l. The establishment of a state grant fund or revolving loan fund to assist counties in performing reassessments;
- m. In the case of unreported property improvements that have resulted in underassessment of a property, to allow the taxing jurisdictions to recover underpaid taxes from the time of the error or improvement, to a maximum of five tax years; and
- n. Provide limitations on challenges to assessors' professional certifications that are based solely on dissatisfaction with an individual's assessment, and provide for county indemnification of legal costs for successful defense of such challenges. (l and m added 1992; subsection amended 1999; n added 2004; d amended 2005; o added 2006, subsection rewritten 2007; amended 2011; amended and readopted 2012, readopted 2016, amended 2017, amended 2020)

2. The Association encourages counties to use the Self-Evaluation Guide developed by the Local Government Commission and AAP to evaluate the trends and factors within a county that can have a significant impact on uniformity and equity and influence the need for a countywide reassessment, and further supports the following:

- a. Tools are provided to enable counties to maintain uniformity and equity of assessments between full-scale reassessments. Such tools may include use of the common level ratio, statistical revaluation, and allowing counties to use current market values to calculate and implement adjustments to values in areas of the

- county that have appreciated at a faster or slower rate than the remainder of the county, without such adjustments being considered spot reassessment; and
- b. The Commonwealth establishes a state grant fund or revolving loan fund to assist counties in performing reassessments. (Added 2007; amended and readopted 2012, readopted 2016, amended 2017, amended 2021)
3. The Association supports the assignment of standardized valuations for underground oil and natural gas storage facilities so that they may be assessed for real property tax purposes pursuant to the applicable assessment law, or provision of a fee or other means to generate revenue from such facilities in an amount equivalent to the tax revenue that would be available for counties, municipalities, and schools in which such facilities are located. (Added 2001, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
  4. The Association supports legislation to reinstate the ability to assess all oil and gas interests as real property. (Added 2003, amended 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
  5. The Association supports an amendment to the various assessment laws to prohibit a taxing body from appealing a property assessment when a property is sold for more than the assessed value unless there is also a substantive change, such as improvement, demolition, division, change in use, or countywide reassessment. (Added 2008, readopted 2012, readopted 2016, readopted 2020)
  6. The Association supports developing informational resources for counties interested in utilizing technical assessment methodologies as a means of reducing assessment costs as well as improving the currency of assessment data. (Added 2012, readopted 2016, readopted 2020)
  7. The Association supports legislation that would authorize counties to levy a valuation fee not to exceed \$15 on all recorded deeds and mortgages to generate funding that would assist counties in performing reassessments. (Added 2016, readopted 2020)
  8. The Association supports efforts to create a uniform sales verification form to be completed and filed with the county at the time any real property is conveyed within the commonwealth. (Added 2017, readopted 2021)
  9. The Association supports uniform treatment of utility or grid scale solar and wind projects for the purposes of assessment in Pennsylvania, particularly related to exceptions as machinery and equipment. (Added 2023)

### **C. Tax Limitations and Exemptions**

1. The Association opposes legislatively imposed municipal spending limits, believing that locally elected officials should have the sole responsibility for determining and levying the taxes necessary to fund public services. (Amended and readopted 2012, readopted 2016, readopted 2020)

2. The Association opposes any constitutional amendment or statute that would provide special tax status to any class of individuals or taxpayers. (Readopted 2012, readopted 2016, readopted 2020)
3. Tax revenues foregone or lost by any grant of special status should be reimbursed by the state. (Readopted 2012, readopted 2016, readopted 2020)
4. The Association supports direct state subsidies, such as property tax rebates, for property owners with proven need, and opposes special tax exemptions for such individuals. (Readopted 2012, readopted 2016, readopted 2020)
5. The Association supports legislation allowing counties to develop and implement locally-suitable tax incentives to spur community and economic development. (Readopted 2012, readopted 2016, readopted 2020, amended 2023)
6. The Association opposes any proposed constitutional amendment, or legislative initiative, that would weaken the current judicial or legislative standards for what constitutes an institution of purely public charity for tax exemption purposes. Instead of making the charitable exemption more broadly available or easier to attain, the Association supports efforts to ensure that institutions eligible for real estate tax exemption continuously meet all of the eligibility requirements. The Association also supports legislation granting counties clear authority to seek payments in lieu of taxes and opposes any legislative effort that would limit, negate or impede local negotiations regarding payments in lieu of taxes or local agreements providing for payments in lieu of taxes. (Added 2015, readopted 2019, readopted 2023)

#### **D. Other Revenues**

1. The Association supports legislation providing for payment in lieu of taxes on all real estate which is owned or acquired by the Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, Delaware River Joint Toll Bridge Commission, other state agency, or the Federal government, whether by purchase, eminent domain, donation or otherwise, with proportionately higher payments in lieu of taxes attributable to land and improvements used for what are otherwise taxable commercial establishments and activities, including attractions at state parks, public restaurants in state office buildings, retail operations at Turnpike service plazas, and the like. Further, the Association supports full assessability for any commercial or otherwise taxable use on these properties to the extent the improvements are privately owned. (Amended 1998, 2010, amended and readopted 2012, readopted 2016, readopted 2020)
2. The Association supports an equitable increase in payments in lieu of taxes for federally exempt property, and an increase in payments in lieu of taxes for state game lands to an equitable amount but not less than \$6.00 per acre, comparable to the in lieu of tax payment made to counties for state forest and park lands. (Amended 1994, 1997, amended and readopted 2012, readopted 2016, amended and readopted 2020)



3. The Association supports legislation to dedicate a percentage of the receipts from gas and oil leases on state-owned lands to provide an additional payment in lieu of taxes to counties, school districts and municipalities. (Added 2010, readopted 2012, amended 2014, readopted 2018, amended 2020)
4. The Association supports legislation that provides to the state, counties, schools, and municipalities a percent of the revenue derived from timber and wood sales, gas and oil ground rentals and royalties and other land rentals on state lands. (Amended and readopted 2012, amended 2015, readopted 2019, readopted 2023)
5. The Association supports legislation giving the county governing body discretion to adopt or modify fee structures for county services commensurate with the cost of providing those services. (Added 1996; amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
6. The Association supports, as a matter of equity for local bricks and mortar retailers and in recognition of changing purchasing habits among the general public, federal authorization and state implementing legislation providing for collection of sales and use taxes on Internet sales and in the meantime supports Department of Revenue efforts to collect currently-applicable use taxes from PA residents who purchase over the Internet. (Added 2003, amended and readopted 2012, amended 2014, readopted 2018, readopted 2022)
7. The Association supports legislation that enables counties, at their discretion, to raise locally determined revenues for the definitive purpose of preserving agriculture and open space within the county. (Added Spring 2005, amended and readopted 2012, readopted 2016, readopted 2020)
8. The Association supports updating the Pennsylvania Farmland and Forestland Assessment Act to assure the statute continues to meet its original intent to encourage protection of farmland, forest land and open space while maintaining fairness, uniformity and equity among county residents, including:
  - a. Increasing the acreage threshold for eligibility to 25 acres for all three categories based on deeded acreage, and removing income eligibility for those under 25 acres;
  - b. Requiring properties in the agricultural use category to submit a schedule F or notarized operator's agreement for the three years prior to application and on an ongoing basis;
  - c. Establishing enhanced enforcement capabilities for non-compliant properties;
  - d. Limiting exceptions to eligibility requirements, and requiring the Department of Agriculture issue guidance for any approved exceptions; and
  - e. Permitting a property enrolled under the law's original acreage and income eligibility thresholds to remain eligible until it changes to a use inconsistent with the Act, is subdivided or is transferred to someone other than a class A beneficiary.

(Added 2013, amended 2015, readopted 2019, c and d added and amended 2020)

9. The Association supports maintaining the shale gas impact fee, with all distributions as structured under Act 13 of 2012 to benefit impacted local governments as well as counties throughout the commonwealth, regardless of any potential discussion to place a severance tax on the natural gas industry. (Added 2019, readopted 2023)

#### **E. Tax Collection and Administration**

1. The Association supports legislation to grant counties the option for county collection of county, municipal, and school property taxes, including mechanisms for recovery of costs of administration. (Amended 2009, readopted 2012, readopted 2013, amended 2017, readopted 2021)

2. The Association opposes legislation providing for the redemption of delinquent tax properties after the tax sale has been completed. (Readopted 2012, readopted 2016, readopted 2020)

3. The Association supports legislation to eliminate the current rule that deems a hotel stay in excess of 30 days a residential accommodation and removes it from liability for state and county hotel taxes, while being careful not to affect the status of true transient rentals such as boarding houses. (Added 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

4. The Association supports enactment of provisions to aid in enforcement of the county hotel tax, including the ability to cross-reference state hotel tax collection data, and further supports efforts to ensure that the full county hotel tax is collected for short-term rentals and room rentals made through online or other third-party travel companies. (Added 2010, readopted 2012, readopted 2014, amended 2016, amended 2019, readopted 2023)

5. The Association supports amendments to update and streamline the Real Estate Tax Sale Law that include the following elements:

- a. Consolidates delinquent tax collection and tax sale procedures into one statute;
- b. Maintains upset sale procedures in addition to judicial sale procedures;
- c. Shortens the time frames for exposure of a property to upset sale to the first year of delinquency rather than the second year;
- d. Allows increased use of internet technology, including maintenance of dockets and publication of notices;
- e. Replaces the five percent commission retained from collections by the bureau with a separate five percent delinquency fee to be retained by the county for administrative costs; and
- f. Increases allowable fees and charges to reflect inflation. (Added 2014, readopted 2018, amended 2019, amended 2021)

6. The Association supports legislation to allow local governments to intercept state Lottery winnings of prizewinners for the purpose of satisfying any outstanding local tax liabilities. (Added 2018, readopted 2022)

## **II INTERGOVERNMENTAL RELATIONS**

1. The Association will remain neutral on all state budget matters not affecting counties, although the Association will support efforts to guarantee adequate funding of state mandated county programs. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports legislation that establishes a reasonable minimum and a more reasonable maximum which would be paid to the counties for collecting the state inheritance tax. (Readopted 2012, readopted 2016, readopted 2020)

3. As a matter of local governments' right of self-determination in raising revenue, the Association supports maintenance of the tax exempt status of municipal bonds and the deductibility of state and local taxes. (Readopted 2012, readopted 2016, readopted 2020)

4. The Association supports examination of funding formulas for existing mandated programs to ensure an equitable distribution of funds. (Readopted 2012, readopted 2016, readopted 2020)

5. The Association supports efforts to assure, in the event of a state budget delay, that state and federal funding continues to be provided to counties for any purpose, including program funding for human services and pass through payments due to providers engaged by counties, and at the same funding level as the prior fiscal year. Should funding not continue to be provided, the Association supports whatever action necessary, including court action, to seek reimbursement from the State for loss of investment income, or interest costs paid, due to the lack of a state budget and delay of state payments owed to each county. (Readopted 2012, readopted 2016, amended 2018, readopted 2022)

6. The Association supports establishment of current payment schedules for state services provided by the county. (Readopted 2012, readopted 2016, readopted 2020)

7. The Association supports an amendment to the Pennsylvania Constitution requiring the Commonwealth to fully fund any existing or new service provided by counties as a result of state mandate. (Readopted 2012, readopted 2016, readopted 2020)

8. The Association supports relief from federal mandates, such as Davis-Bacon prevailing wage requirements, that place financial obligations upon counties. (Amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

9. The Association supports as its highest Commonwealth budget priority the assurance of allocations to the various program bases sufficient to stabilize the ongoing operation of these programs, and opposes expansion of present programs or addition of new programs until funding responsibilities for current programs are met. (Readopted 2012, readopted 2016, readopted 2020)

10. The Association opposes the state making policy changes that affect existing relationships between county agencies and commonwealth agencies when those changes occur outside the regulatory and legislative process, and without input from the county agencies that will be affected. (Added 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

11. The Association supports an appropriation in the state general fund budget to support conducting a communication and outreach effort before each United States decennial census for the purpose of increasing the response rate and accuracy of the census in this state, in recognition that accurate numbers are important for legislative and congressional representation and program funding and administration. (Added 2019, readopted 2023)

12. The Association believes any efforts by the commonwealth to change laws to further legalize use of marijuana are premature at least until the federal government removes marijuana from the list of Schedule 1 drugs. (Added 2019, readopted 2023)

13. The Association believes that if state legislation moves forward to further legalize marijuana, counties must be brought to the table as part of those discussions to address the local impacts, costs and benefits, including but not limited to issues related to commercialization, environmental and land use impacts, behavioral health and other human services impacts, workplace and employee policies, ability of local governments to regulate the growing, dispensing and use of marijuana, social justice impacts, and impacts to the court and correctional systems, as well as reimbursement of costs to counties. (Added 2019, readopted 2023)

### **III COUNTY ADMINISTRATIVE AND FISCAL RESPONSIBILITIES**

#### **A. Fiscal**

1. The Association supports periodic updates to all legislation setting fees or providing for administrative costs to be collected by counties that appropriately reflect program needs and costs of service provision and provide increases for costs of living. (Readopted 2012, readopted 2016, amended and readopted 2020, technical edit 2021)

2. The Association supports legislation to amend the Deputy Sheriffs' Education and Training Program authorizing statute to remove provisions which permit excess funds to be transferred for Commonwealth General Fund purposes. (Added 2014, readopted 2018, readopted 2022)

3. The Association supports retention of the calendar year as the county fiscal year. (Added 1995, readopted 2012, readopted 2015, technical edit 2019, readopted 2023)

**B. Insurance and Liability**

1. The Association supports tort reform at the federal level, including limitations on liability for suit brought under Section 1983 of the Civil Rights Law, limitations on joint and several liability, and a more equitable approach to the rules of civil procedure. (Readopted 2012, readopted 2016, readopted 2020)

**IV COUNTY CODE**

**A. Code Rewrite**

1. The Association supports review of the County Code and related laws no less frequently than every five years, to assure its content and structure are consistent with current need and practice, and to permit counties to provide the most efficient services to clients and best value to taxpayers. (Readopted 2012, readopted 2016, technical edit 2019, readoption 2023)

**B. Elective and Appointive Office**

1. The Association, recognizing the increased standards for accounting and reporting required by the County Code and by GASB standards, supports an amendment to the County Code to give counties the local option, when selecting a Certified Public Accountant to perform the necessary and required audits of the counties' fiscal affairs, and upon determination that comprehensive fiscal controls meeting generally accepted standards are in place, to abolish the office of elected auditor. (Amended 2005, amended 2008, amended and readopted 2012, readopted 2016, readopted 2020)

2. The Association supports legislation authorizing the county court of common pleas to make appointments to fill vacancies in row offices, from the same party from which elected. (Added 1992, amended and readopted 2012, readopted 2016, readopted 2020)

3. The Association supports an amendment to the County Code to provide that a vacancy in the office of commissioner is filled by action of the remaining two commissioners (subject to the existing party, age, and residency requirements) or, if they are not able to reach agreement within 30 days of the vacancy, by a vacancy board comprised of the commissioners and a registered elector appointed for such purpose at the quadrennial organizational meeting, and if the vacancy board fails to reach a conclusion in 15 days, then by the court of common pleas, and further providing that the appointee will serve until the first Monday in January following a municipal election occurring more than 60 days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

4. The Association supports amendments to the County Salary Law to provide an annual salary for the county elected auditors established in the same manner as the salaries for other

county elected officials, and to remove the auditor provisions on per diem and mileage pay. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

**C. Corporate Powers**

1. The Association supports legislation amending section 2317 of the County Code to permit counties to seek separate or consolidated bids for construction projects at the discretion of the county commissioners. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports an amendment to Article XIX of the County Code, defining Special Powers, which would remove all of the listed special powers provisions and replace them with the following language:

Article XIX. Special Powers and Duties of Counties

Section 1901-A. Exercise of powers and functions not denied by law; liberal construction.--A county may exercise any powers and perform any function not denied by the Constitution of Pennsylvania, by the General Assembly, or by an enactment of the federal government, at any time. All grants of power to counties governed by this act, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the county.

Section 1902-A. Limitation on county powers.--(a) No county shall engage in any proprietary or private business except as authorized by the General Assembly, or exercise powers contrary to, or in limitation or enlargement of powers granted by acts of the General Assembly which are applicable in every part of the Commonwealth.

(b) Acts of the General Assembly in effect on the effective date of this act that are uniform and applicable in every part of the Commonwealth shall remain in effect and shall not be changed or modified by this act. Acts of the General Assembly enacted after the effective date of this act that are uniform and applicable in every part of the Commonwealth shall supersede any county ordinance or resolution on the same subject.

(c) No county shall at any time hereunder determine duties, responsibilities or requirements placed upon businesses, occupations and employers, including the duty to withhold, remit or report taxes or penalties levied or imposed upon them or upon persons in their employment, except as expressly provided by acts of the General Assembly, which are applicable in every part of the Commonwealth or which are applicable to all counties or to a class or classes of counties: Provided, however, that this subsection shall not be construed as a limitation in fixing rates of taxation on permissible subjects of taxation. (Added 1995, amended 1997, readopted 2012, readopted 2016, technical edit 2019, readopted 2023)

3. The Association supports an amendment to the County Code to permit counties to provide a limited bid preference for local or domestic suppliers or contractors, and to permit counties to include Buy American provisions in bid specifications. (Added 2004, amended and readopted 2012, readopted 2016, readopted 2020)

## **V COUNTY PERSONNEL/RETIREMENT SYSTEMS**

### **A. Human Resources**

1. The Association opposes any legislation that would prohibit counties from requiring residency for county employees. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports a joint effort by the state and counties to develop strategies and provide resources targeted to address the human resource needs of county human service programs and their contract agencies. (Readopted 2012, readopted 2016, readopted 2020)

3. The Association supports reform of the civil service system to produce a higher volume of qualified candidates or, alternatively, another option for county recruitment and selection. (Readopted 2012, readopted 2016, readopted 2020, readopted 2022)

4. The Association supports timely review and consistent application of rules and procedures where counties are proceeding with their option to develop and implement merit hire systems, including a means of addressing difficulties in audits and analysis of systems and policies. The commonwealth of Pennsylvania Office of Administration or the relevant state agency must provide response to any county inquiry or application for merit hire system within 60 days of submission. (Added 2019, replaced 2021, readopted 2022)

5. The Association opposes legislation establishing a Pennsylvania Occupational Safety and Health Act applying to local government. (Readopted 2012, readopted 2016, readopted 2020)

6. The Association supports balance in row office "section 1620 rights" to assure full and uniform countywide compliance with federal and state employment law, including adherence to policies and procedures adopted by the county for this purpose. (Added 2018, readopted 2022)

### **B. Compensation**

1. The Association opposes any legislation that would authorize state or federal agencies to determine minimum levels of county employee compensation. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports legislation that "decouples" commissioner salary increases from those for row offices, maintaining the uniform percentage requirement for row offices while allowing commissioner salaries to increase at a different rate. (Readopted 2012, readopted 2016, readopted 2020)

3. The Association opposes designation of Pennsylvania constables as employees of county government for IRS withholding and Social Security taxation purposes. (Amended 1997; amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

### **C. Retirement and Pension**

1. The Association opposes retirement reform legislation that would “bail out” poorly funded pension systems at the expense of well-funded systems. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association opposes any efforts to subject county retirement system options to collective bargaining. (Readopted 2012, readopted 2016, readopted 2020)

3. The Association opposes any representation for county employees on county retirement boards. (Readopted 2012, readopted 2016, readopted 2020)

4. The Association opposes any legislation that would authorize county employees to use retirement funds as collateral for loans. (Readopted 2012, readopted 2016, readopted 2020)

5. The Association supports changing the employee contribution interest crediting provisions of the County Pension Law to a range of rates that is more reflective of current and anticipated market conditions. (Readopted 2012, amended 2016, readopted 2020)

6. The Association supports amendment to the County Pension Law to provide for defined contribution plans, at the choice of counties, to any eligible employment class hired after the date of a majority vote of the County Pension Board and that such plan require:

- a. A statutory, uniform, annual, mandatory contribution by the county;
- b. A mandatory minimum, and additional voluntary maximum, employee contribution, based upon full time eligible payroll, with asset investment classes and fund choices selected by the County Pension Board, and with actual investments within the investment classes and funds self-directed by each participating employee.
- c. Strict limitations on employee withdrawal of funds prior to superannuation. (Added 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

7. The Association supports an amendment to the County Pension Law to exclude overtime from contribution and benefit calculations. (Added 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

8. The Association supports an amendment to the County Pension Law giving counties the option to set vesting at ten years. (Added 2012, readopted 2016, readopted 2020)



9. The Association supports an amendment to the County Pension Law to clarify the ability of counties to establish tiered plans, which provide for lower benefit levels for new hires after a certain date. (Added 2012, readopted 2016, readopted 2020)

10. The Association supports an amendment to the County Pension Law to exclude any ancillary incentive payments to employees for retention or appreciation purposes from retirement contribution and benefit calculations. (Added 2022)

11. The Association supports an amendment to the County Pension Law giving counties the option to offer a Cost-of-Living Adjustment to annuitants less than or equal to the annual cost-of-living index. (Added 2023)

#### **D. Labor Relations**

1. The Association supports comprehensive review and recommendations on reform of Act 111, the Police and Fire Collective Bargaining Law, and Act 195, the Public Employee Relations Act, to be undertaken by the Association policy committees in cooperation with representatives of other units of local government, with an objective of recognizing inherent issues of balance and objectivity, along with changes in practice, marketplaces, and overall employer-employee relationships, that have arisen in the nearly-half century since their passage. (Added 2013, readopted 2017, readopted 2021)

2. The Association supports maintenance of confidentiality of the collective bargaining process and arbitration proceedings under both the Open Meetings Law and the Right to Know Law, including initial offers and other records pertaining to strategy, negotiations, or information exchanged between the parties in regard to labor relations or collective bargaining and related arbitration proceedings, and supports retention of the existing standard for the final agreement to be public. (Added 2017, readopted 2021)

### **VI ELECTIONS**

#### **A. General**

1. The Association believes that the Pennsylvania Election Code contains many conflicting and antiquated provisions and, as a result, supports a complete rewrite or codification of the law. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports provisions in all amendments to the Election Code to provide realistic and adequate time and state resources to support implementation of new laws, procedures, and systems. (Added Spring 2014, readopted 2018, amended 2021)

3. The Association supports federal and state reimbursement to counties for the expense of conducting and administering federal and state elections. (Amended 2010, readopted 2012, readopted 2014, amended 2018, readopted 2022)

4. The Association opposes any change in the date for primary election unless all other necessary changes in the Registration Laws and Election Code are also made at the same time. (Readopted 2012, readopted 2016, readopted 2020)
5. The Association opposes any legislation that would authorize initiative and referendum where the referendum would be binding on local officials. (Readopted 2012, readopted 2016, readopted 2020)
6. The Association supports the elimination of the “yes” retention question for judges, instead requiring judges to stand for re-election. (Readopted 2012, amended 2013, technical edit 2019, readopted 2023)
7. The Association supports an amendment to the Election Code to require the Commonwealth to reimburse counties, in the same manner as is done for special elections for Pennsylvania House and Senate seats, for the cost of special elections for Congressional races. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
8. The Association supports implementation of voter identification requirements in a manner which results in the greatest possible access for qualified electors, which will require close cooperation with the Department of State, clear and detailed information for county election directors and voters on requirements and rights, prompt and uniform response to legal and practical questions, broad multimedia dissemination of information on ID requirements and how to obtain ID, uniform rules on what qualifies as ID, uniform and detailed training of poll workers, and access to data to assist county election offices in identifying registered voters who lack ID. (Amended and readopted, 2012, readopted 2016, readopted 2020)
9. The Association supports changes in election law and practice that would:
  - a. Amend the Pennsylvania Constitution, if necessary, to eliminate all reasons or conditions necessary to qualify for an absentee ballot and permit any qualified elector to vote by absentee ballot without excuse, consistent with current law authorizing mail-in ballots;
  - b. Improve administration of absentee and mail-in balloting to provide greater convenience and accountability, including ease in application and submission of ballots, such as allowing completed ballots to be returned to a voter’s polling place on election, and permanent absentee registration for qualified permanently disabled electors without reassertion of disability, while maintaining the integrity, security, and secrecy of the process;
  - c. Provide for cooperation from the courts in recognizing the practical and cost implications of late action on ballot determinations, including a requirement that those factors be noted by the court during its deliberative process, relieving any county from requirements to reprint or reprogram ballots when a decision is rendered with insufficient time for the county to practically and with confidence make the required change, and requiring commonwealth reimbursement of costs

- incurred by counties for reprinting or reprogramming ballots based on decisions rendered within four weeks of the election;
- d. Maintain the schedule for uniformed and overseas citizens absentee voting and provide that the federal write-in absentee ballot can be used in all elections for all offices. The Association also supports exploration of processes and technologies that will facilitate, with proper security, the registration, absentee application, and balloting processes for uniformed and overseas citizens.
  - e. Address delayed receipt of absentee and mail-in ballots sent late in the deadline window, based on US Postal Service (USPS) scheduling and routing by moving the deadline to apply for ballots to 14 days prior to an election, as well as other changes that do not affect the timely count of absentees, permits as necessary central count of absentees, do not inadvertently encourage late filing, educates the public on timely mailing, and takes into account other practical issues have arisen with authorization of mail-in ballots.
  - f. Include in the polling place school-use mandate all schools that receive state instructional funding, and designate the date of the primary and general election as school in-service days to support the closing of schools that are used as polling places.
  - g. Improve administration of elections within the provisions of the Help America Vote Act, including clarity on provisional ballot procedures and tabulation, standards and enforcement of accessibility, alternative language accessibility, and what constitutes a vote.
  - h. Defer questions of electoral college reform to the national level but provide for greater access to the ballot for minor political parties and political bodies,
  - i. Provide uniform standards for submission and placement of referendum questions, including a 90 day deadline for submission to the county board of elections.
  - j. Make the requirement of newspaper advertising for the Election Proclamation discretionary, allowing counties instead to place the notice on the county website or other electronic publication.
  - k. Clarify or correct the definition of "separate ballot" for judicial retentions, to allow printing the retention ballot on the face (as space permits) or back side of the regular ballot.
  - l. Set an extended and uniform 90 day standard for the deadline for special elections for vacancies in municipal office.
  - m. Allow the county board of elections to make appointments to vacancies on local election boards, effective for the balance of the unexpired term;
  - n. For municipalities with fewer than 100 registered voters, permit the county to provide for the voters of the precinct to cast their ballots exclusively by mail.
  - o. Make the overseer petition provision workable in Philadelphia by eliminating the requirement for concurrent assent by all law judges;
  - p. Amend results certification to provide that, when the required start of certification is a holiday or observed holiday, the certification will begin instead on the next regular business day; and

- q. Allow counties to begin pre-canvassing of absentee and mail-in ballots up to three weeks prior to an election, provided that tabulation does not begin until after the polls close on election day.  
(Added 2005, amended 2009, 2010, amended and readopted 2012, f and i amended and j through n added Spring 2014, b added and c amended 2014, e added 2016, m amended and o added 2017, n added 2018, b amended 2019, a, b and e amended and g added 2020)
- 10. The Association opposes early voting that relies on establishing and operating single or multiple polling places. (Added 2011, readopted 2012, readopted 2015, readopted 2017, amended 2020)
- 11. The Association supports establishment of special elections for vacancies in legislative or Congressional seats to coincide with a primary or general election whenever practical. (Added 2014, readopted 2018, readopted 2022)
- 12. The Association supports an amendment to the Election Code to require that all statewide and local referenda appear on the November election ballot, with limited exceptions, to be exercised by special requirement, for placement on the primary ballot. (Added 2016, readopted 2020)
- 13. The Association supports legislation that would provide further definition to the reapportionment process to meet the objective of balanced and cohesive legislative and congressional districts. (Added 2017, readopted 2021)
- 14. The Association supports statutory clarity of write-in balloting, to include:
  - a. Only tabulate and process votes for a write-in if the number of write-in votes cast exceeds the number of signatures required to qualify for the nominating petition for that office;
  - b. Delineate clear standards on timing, means, and method for the county to notify successful write-in candidates following certification of the count, require successful write-ins to certify that they accept the nomination or position, and require successful write-ins to file the candidate affidavit and pay relevant filing fees; and
  - c. Recognize local party rules governing nominations to party offices. (Added 2017, amended 2020)
- 15. The Association supports amendments to the Election Code that clarify the responsibilities of the county boards of elections, thereby promoting uniform interpretation of the law, while providing flexibility for counties to meet local needs. (Added 2021)

**B. Qualifications and Petitions**

1. The Association supports legislation to improve the petition circulation process, including better clarity on petition content and circulation rules and increased penalties for fraudulent practices. (Added 2013, readopted 2017, amended 2021)

### **C. Polling Places**

1. The Association believes that constables should no longer be required to be present at each polling place in every election district, and the decision to eliminate or maintain their presence should be at the option of the local election board. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports means to increase the pool of available poll workers and facilitate their ability to serve by:

- a. Allowing government employees to be poll workers, except for those with conflict of interest as defined by statute;
- b. Allowing employees to take leave without penalty, whether paid or unpaid, to serve as poll workers; and
- c. Allowing a poll worker who is a registered elector in the county to be designated to serve in any precinct in the county that has a vacancy within 30 days of election day.
- d. Increasing the compensation cap for poll workers in the Election Code. (Added 2019, subsection d added 2023)

3. The Association opposes authorization for curbside voting. (Added 2019, readopted 2023)

### **D. Ballots and Election Systems**

1. The Association supports county choice in selection of voting equipment, believing the determination, while compliant with state and federal certification requirements:

- a. Should be on a voluntary calendar that is predicated on market, equipment availability, and reasonable timelines including employee, poll worker and voter training,
- b. Should meet the needs and expectations of the county's voters,
- c. Should have available reliable and ongoing state and federal funding, and
- d. Should be statutorily framed as a decision by the board of commissioners or home rule equivalent, rather than the election board. (Added 2018, readopted 2022)

2. The Association supports full and sustainable federal funding, or in absence of full federal funding full Commonwealth funding, of the equipment, registration, accessibility, and related provisions of any federal or state election laws that alter the operation of elections in the commonwealth. (Added 2003, amended 2009, readopted 2012, readopted 2013, readopted 2017, amended 2021)

3. The Association supports election system certifications based on objective criteria established in conjunction with county commissioners and election directors, including the quality of

the equipment, its utility to the electors, and its compliance with Pennsylvania statute and practice, supports legislation to allow expedited consideration of new and updated technologies, and supports limiting decertification of equipment to circumstances where there are demonstrated systemic flaws or there are material changes to statutes governing equipment features or operability. (Added 2001, readopted 2012, readopted 2016, amended 2018, amended 2022)

4. The Association opposes the use of voting systems (such as internet voting) or electronic transmittal of completed ballots, data or information that might influence the tabulation or canvass of the ballots or certification of results, until concerns for the security and integrity of the election process and the outcome are fully addressed. (Added 2001; amended 2006, readopted 2012, amended 2014, readopted 2018, readopted 2022)

5. The Association supports large print absentee and mail-in ballot applications and absentee and mail-in ballots only if they can be accomplished while still preserving automated tabulation, including positioning of date registration and a voter's ballot marks. (Added 2019, technical edits 2020)

#### **E. Voter Registration**

1. The Association opposes legislation permitting same day voter registration, with the exception of dual use of the Federal Write-in Absentee Ballot (FWAB) for registration purposes by a member of the uniformed services or merchant marine on active duty, or an eligible spouse or dependent at the time the absentee ballot is cast. (Amended 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

2. The Association opposes automatic voter registration. (Added 2016, readopted 2020)

### **VII ENERGY, ENVIRONMENT, AND LAND USE**

#### **A. General**

1. The Association urges study of newer technologies for the solution of our environmental problems, financing of research and development in these areas, subsidies for pilot projects, and incorporation of the findings from these initiatives into bipartisan and innovative legislation which provides strong incentives for solutions to our array of environmental problems. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports uniformity of enforcement priorities, regulatory standards, and technical guidance implementation among Department of Environmental Protection regions. (Added 1999, readopted 2012, amended 2015, readopted 2019, readopted 2023)

3. The Association supports action by the administration and General Assembly to broadly view and address issues associated with energy development to minimize negative impacts on local communities throughout all development phases, from exploration through production, delivery and closure, including water quality, water quantity, flood encroachment, pipelines, local

land use, maintenance of county and municipal roads and bridges, permitting, planning, human services, criminal justice, record maintenance, housing, economic development, local economies and emergency management. (Added 2008, amended and readopted 2012, amended 2015, amended 2019, amended 2021, amended 2023)

4. The Association supports extending the authority of the Public Utility Commission to enforce federal pipeline safety laws and regulations to specifically include Class 1 gathering lines, and supports requiring the location of shale gas pipelines to be shared with counties for planning, emergency response and other purposes. (Added 2011, amended and readopted 2012, readopted 2016, readopted 2020)

5. The Association supports legislation to prevent royalty owners from receiving net royalty payments from gas production below the statutorily required minimum of 12.5 percent of the value of production, with value determined based on arm's length transactions and without deductions. (Added 2016, readopted 2020)

6. The Association urges the administration to proactively engage all stakeholders on proposed changes to environmental regulations, permits and policies before promulgating those changes to ensure the impacts of the proposal are fully understood by the regulating agencies, and further urges the administration to provide appropriate opportunities for public comment throughout the process. (Added 2017, readopted 2021)

7. The Association opposes legislation that would allow for private third-party review of environmental permits or that would prohibit the use of conservation districts to review such permits, and instead supports efforts to provide reasonable timeframes based on the type and complexity of the permit application for environmental permit reviews by providing sufficient funding and staff resources to DEP's regional offices to address the increasing number of permit applications. (Added 2019, amended 2023)

## **B. Energy**

1. The Association supports programs to promote use of alternative transportation fuels, including incentives for counties and mass transit agencies to deploy hybrid vehicles and vehicles operated by alternative fuels such as natural gas, hydrogen, and electricity, and development of fueling facilities for public use. (Added 2006, amended 2007, amended 2010, amended 2012, readopted 2016, readopted 2020)

2. The Association opposes mandates for generation and procurement of specific levels of alternative energy in the commonwealth. However, the Association supports development of alternative and renewable energy sources in Pennsylvania for electric generation and fuel, including wind, solar, hydropower, clean coal and alternative coal, hydrogen, biomass, natural gases including methane, liquid propane and nuclear technologies. (Added 2007, amended 2012, amended 2014, amended 2018, readopted 2022)

3. The Association supports planning and resources for expanding natural gas services to Pennsylvania homeowners and businesses. (Added 2013, readopted 2017, readopted 2021)

4. The Association strongly encourages the commonwealth to provide resources which prioritize energy conservation, locally owned and used solar, respect for local land use plans, along with education and protection for property owners engaging in lease agreements with energy companies. (Added 2021)

### **C. Solid Waste and Recycling**

1. The Association supports an amendment to Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, requiring all disposal facilities to be included within the county plan. (Amended 2002, amended 2012, readopted 2016, readopted 2020)

2. The Association supports legislation to empower counties to assess a special millage by referendum, or to empower counties or their delegates to assess fees to fund county solid waste and recycling programs within the county. (Added 1997, amended 2007 and 2011, readopted 2012, readopted 2015, readopted 2019, amended 2023)

3. The Association opposes legislation that would give counties or municipalities a veto of landfill permit applications, believing that a veto represents no true choice and that solid waste disposal issues must be dealt with regionally to ensure availability of environmentally sound disposal options. Instead, the Association supports legislation to provide strong options for effective county and municipal participation in the permitting process. The Association supports a legislative moratorium on the issuance of any landfill permits or landfill expansion permits by the Commonwealth until such time as there is a demonstrated capacity need. (Added 2001, readopted 2012, readopted 2016, readopted 2020)

4. The Association supports the goal of increasing recycling efforts to reduce the amount of waste sent to landfills, but believes that any mandates to recycle additional items in the commonwealth must be accompanied by appropriate resources to provide adequate infrastructure that assures access to all homeowners and businesses. (Added 2013, readopted 2017, readopted 2021)

5. The Association supports amendments to the Covered Device Recycling Act of 2010 that:

- a. Provide multiple entities with the ability to establish collection sites, including, but not limited to, county facilities that are willing and able to participate;
- b. Allow flexibility to determine the means of collection for electronic devices that is the most efficient in a given area (e.g., permanent sites, single collection days);
- c. Consider changes to the way target weights are calculated;
- d. Do not impose a one-size-fits-all convenience standard to determine how many collection sites should be provided;
- e. Assure that smaller recyclers are able to compete for business to collect electronics devices; and



- f. Provide sufficient funding by manufacturers to cover costs, including personnel, collection, storage, recycling and transportation of electronic devices, and consideration for authorization of separate fees at collection sites if manufacturer funding is not sufficient. (Added 2016, readopted 2020)

**D. Hazardous and Low Level Radioactive Waste**

1. The Association supports legislation providing for proven, responsible and safe means of dealing with toxic and hazardous wastes, including promotion of source reduction, reuse, and recycling. (Added 1993, readopted 2012, readopted 2016, readopted 2021)

**E. Land Use**

1. The Association strongly encourages the General Assembly and administration to recognize the importance of county land use planning in creating an appropriate balance among environmental, infrastructure, public health and safety, economic development and energy needs. (Added 2012, readopted 2016, amended 2021)

2. The Association opposes any legislation that would authorize the state to supersede local zoning ordinances when building or constructing state properties. (Readopted 2012, readopted 2016, readopted 2021)

3. The Association supports study and planning for future energy needs, but it opposes federal laws that pre-empt state and local control over land use policies for the siting of infrastructure. Siting decisions for infrastructure should be compatible with local land use policies, including protections for preserved farmland and open space, and other natural and environmentally significant areas. (Added 2007, readopted 2012, amended 2014, readopted 2018, readopted 2022)

4. The Association encourages the pipeline industry and state and local government to work together to develop best practices in siting and routing of all oil and gas pipelines, including:
  - a. Determination of appropriate setbacks that should be applied to maintain the safety of individuals, homes, businesses and other infrastructure;
  - b. Requirements for property developers to consult in advance with pipeline operators and/or owners to assure precautions are taken during construction to avoid damage to existing pipelines;
  - c. Development of notification protocols to assure county and municipal governments are aware of proposed pipeline development;
  - d. Consideration for use of preexisting public rights-of-way and other innovative partnership solutions;
  - e. Requirements for pipeline operators and/or owners to consider county and local comprehensive plans in planning the siting and routing of pipelines as well as the pipeline's impacts on future development opportunities;

- f. Appropriate training for planning officials, emergency services personnel, conservation district staff and other local government officials on the roles and responsibilities of state agencies regarding pipeline permitting and safety inspections;
  - g. Opportunities for property owners to be engaged early and often in the pipeline development process, including education on the impacts to future development or subdivision of the property as well as to the property's value; and
  - h. Planning efforts that have the least impact on forests and ecosystems. (Added 2015, amended 2018, readopted 2022)
5. The Association supports legislation to facilitate structural and nonstructural methods to assist local governments with flood mitigation and prevention. (Added 2008, readopted 2012, readopted 2016, readopted 2021)
6. The Association supports additional liability protections for landowners under the Recreational Use of Land and Water Act for injuries caused by recreational users of their property. The Association also supports allowing the award of attorney fees and direct costs to a landowner, holder of an easement or occupant of a property who is found not to be liable for an individual's injury. (Added 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
7. The Association supports a change to the DCNR Community Conservation Partnerships Program to allow agriculture use to continue when purchasing farmland so long as agricultural best management practices are applied. (Added 2023)

## **F. Sewage**

1. The Association supports legislation providing funding to the Department of Agriculture to support research and development for improving on-lot septic systems. (Readopted 2012, readopted 2016, readopted 2020)
2. The Association opposes any amendment to the Pennsylvania Sewage Facilities Act (Act 537 of 1966), as well as any regulation or guidance related to Act 537, which would ignore county land use and economic development priorities or eliminate or weaken requirements for county planning agencies to review, comment, and provide recommendations to state or regional officials in regard to plans prepared in accordance with Act 537, plan amendments, and land development modules. (Added 1994, amended 2002, readopted 2012, amended 2013, readopted 2017, readopted 2021)

## **G. Water**

1. The Association supports review of current and proposed state and federal laws, regulations and programs impacting waterways and water quality to resolve conflicting goals, improve coordination, provide uniform application, streamline programs and identify more cost-effective best management practices and technologically feasible tools to achieve necessary environmental protections while offering flexibility in land use and community development. (Added 2014, readopted 2018, readopted 2022)

2. The Association supports legislation setting uniform, statewide standards for water wells and the licensing of water well drillers. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
3. The Association opposes legislation that would require restrictions on water well usage for agricultural purposes, including additional water permits, metering of water wells, and water payments. (Added 2002, amended and readopted 2012, readopted 2016, readopted 2020)
4. The Association supports legislation that would provide incentives to invest in best management practices for agricultural operations and storm water management in order to reduce nutrient loads in Pennsylvania's waterways and enhance water quality. (Added 2007, amended and readopted 2012, readopted 2016, readopted 2020)
5. The Association supports increased state and federal funding to help local communities meet more stringent state and federal water quality standards. (Readopted 2012, amended 2014, readopted 2018, readopted 2022)
6. The Association supports and encourages partnership between the oil and gas industry and the Department of Environmental Protection to proactively address recycling, transport, treatment and disposal of frack water from oil and gas wells in order to maintain scientifically acceptable levels of total dissolved solids and other pollutants in Pennsylvania's waterways. (Added 2009, amended and readopted 2012, readopted 2016, readopted 2020)
7. The Association supports adequate state funding for storm water planning and improve storm water planning across municipal boundaries in order to meet existing water quality requirements, while opposing changes to storm water management laws which:
  - a. Impose a "one-size-fits-all" approach that does not take into account differences between counties;
  - b. Fail to require shared county and municipal responsibility for implementation;
  - c. Expand storm water planning requirements without additional or adequate funding;
  - d. Impose another layer of storm water policy over existing Act 167 requirements. (Added 2009, readopted 2012, readopted 2013, amended 2014, readopted 2018, technical edit 2022)
8. The Association supports nutrient credit trading programs that maximize the use of available resources and assure that all nutrient sources have the opportunity and incentive to become credit generators as part of a comprehensive strategy to address water quality. (Added 2013, readopted 2017, readopted 2021)
9. The Association supports cross-agency integrated comprehensive water resource planning and resource management with state funding and facilitation assistance. (Added 2014, readopted 2018, readopted 2022)

10. The Association supports state funding and facilitation assistance for locally developed county-level source water planning and protection coalitions in accordance with the Act 220 State Water Plan. (Added 2014, readopted 2018, readopted 2022)

11. The Association supports new approaches to stream management that allow local governments and cooperating agencies to stabilize hydrology in watersheds and mitigate sediment sources to reduce the imminent threat to public health and safety, and further encourages renewed cooperation between federal, state and local agencies to achieve these goals. (Added 2017, readopted 2021)

12. The Association supports the ability for parties with standing to petition the county to request the United States Geological Survey (USGS) to provide a baseline assessment of ground-water quality prior to any shale gas development, including well drilling and pipeline construction, and to make the request of the USGS directly if the county does not wish to do so itself. (Added 2018, readopted 2022)

## **VIII HUMAN SERVICES**

### **A. Preamble**

1. The Association supports a participatory role for county government in the development of all state human services policy. (Amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

2. The Association supports flexible human services funding options and is dedicated to adequate federal and state funding for human services to eliminate waiting lists, including annual Cost of Living Adjustments, new initiatives and advance quarterly payments to cover the costs of services and administration. (Amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

3. The Association supports maximum local authority and flexibility for public human services. Counties require the option of managing services including access, quality and cost. The Association opposes any efforts to consolidate or regionalize human service programs that are the responsibility of counties or their affiliates, and each county or group of counties currently managing a human services program or categorical program should have a right of first refusal in determining whether to continue to manage the services or to privatize. (Rewritten 2007, amended 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

4. The Association supports continued efforts to provide services to individuals and families with multiple needs. The state and federal governments should remove all programmatic, administrative, and regulatory barriers to county government to work collaboratively in designing comprehensive services to meet the individual and/or family's needs. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

5. The Association supports comprehensive review and restructuring of the Commonwealth's data collection systems. Data systems should support administrative functions within and among all human services systems. (Added 1994, amended 1998, 1999, and 2007, re-adopted 2012, readopted 2015, readopted 2019, readopted 2023)
6. The Association supports aggressively seeking an increase in funding for the Human Services Development Fund (HSDF) adequate to address the needs of the most vulnerable citizens, exploring means to assure the equitable distribution of HSDF funds to counties, utilization of the HSDF funding structure to allow for unspent categorical dollars regardless of the origin to be returned there, rather than lapsed to the general fund, for redistribution to counties with unmet funding needs, and retention of the HSDF statute regardless of total appropriations. (Added 1997, amended 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
7. The Association supports ongoing allocation of Commonwealth and federal resources to all counties at appropriate levels that continually assure that federal entitlement programs such as early intervention and funding are adequate, allocations are timely and mental health, drug and alcohol, and intellectual disabilities base dollars are sufficient to meet structural and programmatic administrative needs, even as sources that pay the cost of services evolve. Further, counties' impacts resulting from inflation, workforce shortages and necessary adjustments should be recognized through flexible contracting and partnership between state, federal and county agencies. (Added Spring 2014, readopted 2018, amended 2022)
8. The Association supports outcome based management with vested authority in counties. (Added 1996, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
9. The Association supports aggressive efforts by counties, the Commonwealth, and the members of the Pennsylvania Congressional delegation to ensure adequate federal funding of local services that are provided to meet federal and state mandates. (Added 1998, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
10. The Association supports dedicated funding from the Commonwealth or federal government to fully support a statewide component of a nationwide Health and Human Services Information and Referral system with no negative impact on county budgets or services. (Added 2002, amended 2007, readopted 2012, readopted 2015, technical edit 2019, amended 2023)
11. The Association supports enactment of an appropriate legislative remedy to allow counties to be reimbursed for the behavioral health and health care services provided to youth in detention facilities and inmates in county jails. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
12. The Association recognizes the significant increases in costs to counties and employers to provide health care coverage benefits to their employees; the trend for many employers to reduce the level of benefits offered to their employees; the decreasing availability of affordable

health care to American families; and the increased vulnerability of parts of our population as cuts are made to Medicaid budgets. The Association calls on policy makers to work with state and local government, employers, and the health care industry, to develop solutions to these pressing health care needs in an effort to ensure affordable health coverage for all citizens. (Added 2005, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

13. The Association supports remedies that will ensure the continuation of county human service programs at levels commensurate with need instead of the availability of county match. (Readopted 2012, readopted 2016, readopted 2020)

14. The Association supports vigorous public and private effort to prevent and reduce homelessness in this Commonwealth. (Amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

15. The Association opposes any attempts to supplant existing state funds to county operated human service programs with earned or anticipated increases in federal revenues. (Amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

16. The Association opposes all efforts of the Commonwealth that extract payments from counties without due process. (Amended 2007, readopted 2012, readopted 2015, technical edit 2019, technical edit 2023)

17. The Association opposes legislation to establish a state false claims act, based on concern that it will lead to increased costs as providers incur higher defense costs, face multiple lawsuits, and become subject to duplicative penalties for the same alleged act. Further, the Association opposes legislation to enact a state false claims act that rewards a whistle blower who is also a participant in criminal activity because it provides an incentive for employees to commit fraud. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

18. The Association supports statewide implementation of best practices for individuals with mental health and substance abuse disorders who are involved in the criminal justice system, including diversion, specialty courts, intermediate punishment, alternative housing and specialized treatment initiatives. Concurrently, CCAP supports making maximum use of state, federal and local funds without a reduction of resources for persons who are not involved in the criminal and juvenile justice system. County human services personnel, corrections administrators and court personnel should be partners in planning and implementation of these initiatives. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

19. The Association supports equity and transparency in funding formulas for human services programs. To that end, the Association recognizes that the vast array of human services funding formulas used to determine allocations for services may not produce realistic financial outcomes for all counties, as a result of demographic and other changes that may not be reflected in the formula factors. The Association supports commonwealth examination of formula

driven funding for county human services programs, and commensurate changes in statute, regulation and policy, to assure equity from county to county. The Association supports a requirement that adjustments to formulas driven by population or other demographics incorporate the most current US Census data. If other adjustments are needed to assure current factors are used in determining county allocations, proposed adjustments must include an analysis of how funds will be reduced in some counties while increasing for others, and permit counties to retain current allocation levels if the county can provide evidence that anticipated outcomes are being achieved. (Added 2010, amended 2011, readopted 2012, readopted 2015, readopted 2019, amended 2023)

20. The Association supports a grant of authority to counties to add a fee to certain court fines, costs and filing fees adopted by vote of the commissioners for the purpose of increasing available local funds for support of human services programs. (Added 2011, amended and readopted 2012, readopted 2014, readopted 2021)

21. The Association supports authorization and development of mechanisms, including any federal waivers, which would permit counties to retain unspent human services funding dollars for redistribution at their discretion to other county human services programs, although not as supplantation for required county match. (Added 2011, amended and readopted 2012, readopted 2016, readopted 2020)

22. The Association supports changing human services funding streams to block grant funding for certain programs based on the following conditions:

- a. The change is limited to certain programs and willing counties, and instituted on a pilot basis before expanding statewide;
- b. The opportunity to draw down federal funds is not sacrificed;
- c. Counties are not forced to choose between retaining funding for one categorical program to provide dollars for or preserve funding of another;
- d. Counties will not be punished by reduced future allocation levels for achieving success in reduced spending, and will be permitted to reinvest savings to further expand successful programs;
- e. Block granted programs are not so prohibitive as to automatically eliminate currently funded programs controlled at the county level, or funded at an amount so small that current programs could not be extended;
- f. Local programs are assured county flexibility and discretion, and are not instituted where state, local, or federal rules and regulations would result in the loss of federal funds for operating outside of compliance boundaries;
- g. Maintenance of effort/cost of living would be built into the funding source;
- h. Funds would be appropriated in advance of the period for which the funds are provided, not after expenditures are made, to assure county cash flow is not negatively impacted;
- i. The base year utilized in determining the cap for the block grant must be equal to the largest amount allocations within the prior five state fiscal years; and

- j. The county must be granted regulatory flexibility while operating under the block grant to permit the county to focus on its most pressing needs. (Added 2011, amended and readopted 2012, readopted 2016, readopted 2020)
23. The Association supports legislation and regulatory language that permits counties to determine whether to continue providing mandated and entitlement programs beyond resources provided by the state and federal governments if those resources are insufficient to meet demand and the county would be subject to utilizing more county only dollars to backfill state and federal obligations. (Added 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
24. The Association supports the development of a strong collaborative partnership among counties, schools, state agencies, non-profits, faith based organizations, and other organizations with similar missions to address the need for appropriate interventions for children at the earliest possible point to avoid and address substance abuse issues, and for assessment of mental health services. (Added Spring 2013, readopted 2017, readopted 2021)
25. The Association supports the continued implementation of the Adult Protective Services (APS) Act, with the qualification that new referrals to service resulting from an APS investigation must meet eligibility requirements and be adequately funded by the commonwealth. (Added 2013, amended 2017, readopted 2021)
26. The Association calls on the federal Administration and Congress to address the growing humanitarian crisis of unaccompanied minors crossing the border from Central America, to ensure that adequate federal funds are appropriated to shelter and provide care, including medical assistance, while they remain in the country, to ensure that the costs of the care provided to these children are not transferred to counties and to work with the countries of origin to address the conditions that have led to this crisis. (Added 2014, readopted 2018, readopted 2022)
27. The Association supports reconsideration by the Department of Human Services and the Department of Aging of the time line for implementation of Community Health Choices and Long Term Services and Supports managed care to allow full analysis of the impact on older Pennsylvanians that may result from the change. CCAP further supports immediate action by the Departments on the growing number of complaints from seniors and their families with regard to Maximus contracted services for Aging Waiver Enrollment and failure to respond to phone calls. Finally, CCAP supports analysis by the Department of Human Services and the Department of Aging of the impact of the statewide contract for level of care assessment on seniors, their families, and counties to avoid unintended consequences. (Added 2016, readopted 2020)
28. The Association opposes any cost shifts to counties that would result from amendments to the Affordable Care Act. (Added 2017, readopted 2021)
29. The Association supports an amendment to Act 137 of 1992 to allow counties to increase the recorder fees to provide additional funding for affordable housing trust funds, but opposes



requiring all or any portion of the revenues generated by these fees to be transferred to the state's affordable housing fund. (Added 2019, readopted 2023)

30. The Association supports efforts to amend the Human Services Code to ensure that, in the event of a delay in the timely adoption of the Commonwealth's budget, funding to reimburse counties for the cost of services to at risk, dependent, and delinquent children will continue uninterrupted at the level of funding approved for the prior fiscal year. (Added 2020)

## **B. Children and Youth**

1. The Association supports reductions in regulatory requirements that will enable children and youth workers to spend more time with clients and less time with paper work. (Readopted 2012, readopted 2016, readopted 2020)

2. The Association supports reform of the provision of county children and youth services, including:

- a. The Needs Based Plan and Budget process should be consistent and in compliance with Act 30 of 1991, while allowing counties flexibility to meet local needs and conditions. The state funding of the annual plan including new initiatives needs to be predictable for the county.
- b. Change county match requirements from the current schedule to:
  - i. 100% state reimbursement for competitive salaries for all children and youth staff, regardless of cost center;
  - ii. 100% reimbursement by the Commonwealth for both adoption services and adoption subsidies; and
  - iii. 90% state reimbursement for all Children and Youth services.
- c. State regulations and licensing procedures which are general in nature and have flexibility and latitude for the provision of services;
- d. Implementation of a proven method of assessing the degree of safety to children;
- e. Both authority for the prioritization of service delivery and county discretion as to which children to serve based on the risk and resources available.
- f. Promotion of family preservation;
- g. Emphasis on prevention services;
- h. A shift to the "most appropriate" from the "least restrictive" placement as the best criteria for determining an out-of-home placement; and
- i. Implementation of a statewide child welfare case management data system that permits counties the flexibility to use their legacy systems, ongoing financial support for existing case management systems for as long as is necessary to properly implement any new system, and financial support for all aspects of implementation. (Amended 2007, 2008, amended and readopted 2012, amended 2014, amended 2021)

3. The Association supports efforts to ensure adequate funding which will enable reasonable child welfare caseloads, adequately support implementation of state and federal laws, and

support the development of data and case management system. (Added 1998, amended and readopted 2012, readopted 2016, amended and readopted 2020)

4. The Association supports legislation to reallocate unspent state funds under Act 148 of 1976 to those counties still experiencing children and youth overmatch. (Added 1993; amended 2002, readopted 2012, readopted 2016, readopted 2020)

5. The Association supports county and state monitoring of the development of any federal revenue maximization initiatives by the DHS, with adequate provisions to make counties whole if the initiative fails to meet expectations. (Added 1994, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

6. The Association supports the immediate adoption of legislation that permits counties to re-open their Needs Based Plan and Budget for county child welfare in order to adjust for adequate staffing, salary levels, recruitment and retention, and associated costs that result from new mandates to counties and/or providers. (Added 2015, technical edit 2019, technical edit 2023)

7. The Association supports the inclusion of counties in all policy development related to the state plan to implement the Families First Prevention Act. (Added 2019, readopted 2022)

### **C. Long Term Care**

1. The Association supports continuation of the designation of local Area Agencies on Aging as assessment access points for Long Term Care services. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

2. The Association will continue to support a nursing home assessment, the Intergovernmental Transfer or any other revenue enhancement vehicles under federal regulations that would benefit county and county affiliated homes. (Rewritten 1996, amended 2007, readopted 2012, readopted 2015, technical edit 2018, readopted 2022)

3. The Association opposes any additional requirements concerning operation of nursing facilities without adequate reimbursement from the Commonwealth for such activities. (Rewritten 1996, amended 2007, readopted 2012, readopted 2015, readopted 2021, readopted 2022)

4. The Association supports efforts to make the survey and enforcement process of nursing facilities a fair, consistent, equitable, and objective process. (Added 1999, amended and readopted 2012, readopted 2016, readopted 2020)

5. The Association supports federal development of a new regulatory system for the nursing home industry that focuses more on a supportive and assistive role for the majority of quality nursing facilities, while at the same time allowing the government to be more aggressive in applying sanctions against continually poor performing facilities, and that encourages states to pilot regulatory approaches to accomplish both actions. (Added 2001, amended and readopted 2012, readopted 2016, readopted 2020)

6. The Association remains committed to the continuum of care for Medicaid underinsured recipients and will continue to monitor developments in that area. (Added 2007, amended and readopted 2012, readopted 2016, readopted 2020)

**D. Alcohol, Tobacco and Other Drugs**

1. The Association supports increased state and federal funding, along with flexibility, for substance abuse prevention, intervention and treatment services. Additional funding will be necessary to sustain the expanded continuum of care that has been established with one-time federal funding that will expire in 2020. (Readopted 2012, readopted 2016, amended and readopted 2020)

2. The Association supports legislation through which the Commonwealth would ensure the provision of a locally based administrative structure to maintain a comprehensive substance abuse system of care to prevent, reduce, or eliminate alcohol and other drug problems. (Added 1997, readopted 2012, readopted 2016, readopted 2020)

3. The Association supports direction of any Commonwealth substance use programming funds to the designated local authorities to be used in the manner already identified through the local planning process, along with development of a mechanism that will allow for a partnership between the state, counties, and SCAs to insure the direct involvement of each sector in planning short and long term objectives. (Amended 2007, readopted 2012, readopted 2015, readopted 2019, technical edit 2023)

4. The Association opposes involuntary drug and alcohol commitment legislation unless it includes:

- a. Adequate funding such that any new costs are borne by the state through new funding or by parents or other third-party payers;
- b. Development of programs that will insist on the involvement of the family in the treatment process;
- c. Adequate safeguards or immunity provisions for SCAs and providers;
- d. Adequate due process protections; and
- e. Clearly defined criteria for assessment, placement, and placement review. (Readopted 2012, readopted 2016, readopted 2020)

5. The Association supports appropriate treatment, other options such as day reporting centers, and incarceration strategies for DUI offenders, based on thorough and objective review of the efficacy and costs of these strategies, and providing for full Commonwealth funding of any anticipated unreimbursed costs incurred by county human services and corrections programs. (Added 2003, amended and readopted 2012, readopted 2016, readopted 2020)

6. The Association supports cooperative efforts among the full spectrum of interests, comparable to the efforts of the National Association of Counties to develop a comprehensive policy to address heroin, opiates, whether prescribed or not, and other synthetic substances such as

bath salts, that yield strategies giving county human services, corrections agencies and law enforcement agencies the tools to deal effectively with prevention and treatment, human services consequences, individual, family, and community consequences, and environmental consequences arising from the growing abuse and addiction of such substances. (Added 2005, amended 2008, amended and readopted 2012, amended 2013, readopted 2017, readopted 2021)

7. The Association believes that local needs should be reflected in planning and program decisions for tobacco prevention and cessation, and that statewide enforcement efforts are a priority when funding levels are reduced. (Added 2007, readopted 2012, amended 2014, readopted 2018, readopted 2022)

8. The Association supports the right of first opportunity for county administration of managed behavioral health care as well as the right of first opportunity for local management of intellectual disability services. (Readopted 2012, amended 2016, amended and readopted 2020)

9. The Association supports the ability of local governments to enact and enforce ordinances stricter than what is required through any statewide ban on smoking in public places. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

10. The Association supports the Department of Drug and Alcohol Programs' development of a comprehensive written strategy to address substance use and abuse services across the Commonwealth including a no wrong door approach for assisting with enrollment, benefits, working with emergency personnel and hospitals for referrals, and county assistance office supports. (Added 2015, technical edit 2019, technical edit 2023)

11. The Association supports legislative and litigation efforts at the local, state and national level to explore options to force responsibility on the drug manufacturers and distributors for the costs of the opioid and overdose epidemic, including costs incurred by counties for criminal justice systems, treatment, intervention, and prevention programs. County government must be a primary participant in any legal, litigation and legislative strategies, to ensure a voice for counties in the planning and distribution to county government. Manufacturers and distributors must be prohibited from passing those costs in any manner to the consumer. (Added 2017, readopted 2021)

12. The Association supports direct financial support for single county authorities to address the impacts of medical use of marijuana as well as any additional legislative authorizations. (Added 2021, readopted 2022)

## **E. Mental Health and Intellectual Disabilities**

1. The Association supports a comprehensive legislative review and evaluation of the Commonwealth's mental health procedures act, and accompanying policy and procedure for voluntary and involuntary mental health commitments, in close collaboration with counties. (Added Spring 2013, readopted 2017, readopted 2021)

2. The Association supports legislation permitting counties to be reimbursed under the state's 90/10 criteria for the costs incurred for court-ordered mental health examinations. (Readopted 2012, readopted 2016, readopted 2020)
3. The Association supports adequate funding, inclusive of regular cost of living adjustments, by the Commonwealth to support the Community Hospital Integration Project Programs (CHIPPS), which enables the discharge of people served in Pennsylvania state hospitals and builds local community capacity for the expansion of diversionary services to prevent hospital admissions. (Added 1998, readopted 2012, amended 2014, readopted 2018, readopted 2022)
4. The Association supports the right of first opportunity for county administration of managed behavioral health care as well as the right of first opportunity for local management of intellectual disability services. (Readopted 2012, amended 2016, amended and readopted 2020)
5. The Association supports local delivery and management of mental health and disability services. (Added 2007, amended and readopted 2012, readopted 2016, readopted 2020)
6. The Association supports efforts by the Department of Human Services to allow for expanded county involvement in the administration and provision of autism services in the Commonwealth, accompanied by assurance of federal and state funding to adequately meet service needs. (Added 2007, amended and readopted 2012, amended 2016, readopted 2020)
7. The Association supports the continued implementation of a statewide strategy designed to engage families and consumers, businesses, human service agencies and the education system to develop creative and consumer driven employment opportunities in integrated community settings for individuals with disability. Any initiative should complement and incorporate principles and practices from the U.S. Department of Labor, particularly "Employment First" and the Workforce Innovation and Opportunity Act (WIOA), as well as other opportunities such as the Achieving a Better Life Experience (ABLE) Act, with the ultimate goal of promoting self-sufficiency. (Added 2013, amended 2017, readopted 2021)
8. The Association supports strong partnership between the state and counties for achieving the best financial outcomes from the availability of COVID-related federal funding for mental health and crisis services, including support for an increase in HealthChoices per member per month (PMPM) reimbursements as well as community program sustainability through an ongoing commitment to increase the mental health base. Further, the Association supports expanding the partnership to include hospitals, emergency services, jails, and other non-traditional stakeholder partners to assist in the development of emergency and crisis service delivery. (Added 2021, readopted 2022)
9. The Association recognizes the importance of efforts to implement a national suicide response and prevention initiative including a 988 hotline, and take counties' varied roles in this system very seriously. The Association strongly urges the Department of Human Services and PEMA to directly engage county commissioners and their key staff at the earliest possible stage

in policy development in order to assure the most effective transition to implementation. Additionally, the Association supports funding and resources for any additional obligations counties may take on as a result of 988 program roll-out and build-up. Further, the Association opposes further movement of any legislative proposal to fund 988 using a fee that endangers counties access to 911 funding, other county funding obligations, or counties' ability to respond to crisis and any needed services that may arise from implementation of 988. (Added 2022)

**F. Juvenile Justice Service Delivery**

1. The Association supports efforts by counties to maintain the adequate numbers of secure beds in juvenile detention facilities as well as the flexible and dynamic use of these facilities to ensure access by county courts as needed. The Association will develop legislation permitting counties the option to retain or admit "youthful offenders," as defined by the federal Prison Rape Elimination Act, in juvenile justice facilities, and to seek clarification on options for Act 148 reimbursement of costs in certain cases. (Added 2009, amended 2011, readopted 2012, amended 2014, readopted 2018, readopted 2022)

2. The Association supports a long-term funding solution for contracted juvenile justice services, to create an acuity-based reimbursement system that ties state funding support to the identified risks and needs of the individual. (Section rewritten 2007, amended 2011, amended and readopted 2012, amended 2016, amended 2018, readopted 2022)

3. The Association supports the Department of Human Services Office of Children, Youth and Families in finding a stable, state-level funding source for the development and ongoing administration of a comprehensive training program which meets the training requirements defined by the 3800 regulations including the current training needs of juvenile justice service providers. (Section rewritten 2007, readopted 2012, amended 2015, readopted 2019, readopted 2023)

4. The Association, in recognition of the growing crisis related to service accessibility for youth with complex needs in juvenile justice programs:

- a. Supports the aggressive development of additional community based behavioral health services for adjudicated delinquents within the state;
- b. Supports adequately training juvenile justice staff to manage the needs of these youth by providing stable, state-level funding for the development and ongoing administration of a comprehensive training program for juvenile detention centers and alternative programs that would provide training on behavior management, crisis intervention skills, cognitive functioning and psychopathology;
- c. Supports providing behavioral health services to justice-involved youth to maintain their safety, effectively meet their needs and help prevent the exacerbation of problems;
- d. Supports the examination of systemic issues around access to services, ability to obtain services and models for responding to the behavioral health needs of justice-involved youth; and

- e. Supports incentivizing the use of training methodologies that utilize electronic means to reduce travel and other costs for counties, including the use of prison and court video conferencing capabilities to facilitate staff participation in required training (Section rewritten 2007, amended and readopted 2012, amended 2015, technical edit 2019, readopted 2023)

5. The Association supports quality year-round academic engagement and pro-social development programming for youth in the juvenile justice system and the provision of remedial educational support not otherwise available through basic education programs, and that they are reimbursable through the Needs-Based Budget process. (Section rewritten 2007, readopted 2012, amended 2015, amended 2018, readopted 2022)

6. The Association supports state policies that encourage juvenile justice services to utilize evidence-informed practices, protocols, and procedures in order to assure the safety of youth in their care and of staff, while protecting the community. (Added 2008, amended and readopted 2012, amended 2016, amended and readopted 2020)

7. The Association supports efforts to create and maintain data collection and management systems for juvenile detention services that would provide valuable information and research opportunities within both juvenile detention facilities and the juvenile justice system. (Added 2009, readopted 2012, readopted 2013, amended 2017, readopted 2021)

## **IX PRISONS AND CORRECTIONS**

### **A. Prevention, Intervention and Diversion**

1. The Association supports development of legislation, and related implementation strategies and funding sources, within both the human services and corrections fields to encourage counties and communities within them to take responsibility for the implementation of prevention, intervention and diversion programs, including family and individual support, and to support the re-entry efforts developed by the counties and the communities designed to slow the growth in need for expenditures for prisons and juvenile justice placements. (Added 1994, amended 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

2. The Association supports joint county/state development of programs promoting statewide investment in prevention, intervention and diversion programs. (Added 1994, amended 1995, 2010, amended and readopted 2012, amended 2016, readopted 2020)

### **B. Population Management**

1. The Association supports consideration of using jails, community correction centers, and certain state and federal installations as alternative prison housing for low risk state and federal inmates and detainees with appropriate cost reimbursement provided to counties. (Amended 2011, amended and readopted 2012, readopted 2016, readopted 2020)

2. The Association supports legislation authorizing privately-owned or privately-operated prisons in the Commonwealth of Pennsylvania only if the legislation includes:
  - a. Strict and comprehensive regulation by the Department of Corrections;
  - b. Recognition of legitimate host county concerns; and
  - c. Limitation of the use of private prisons to minimum security prisoners. (Amended 2001, readopted 2012, readopted 2016, readopted 2020)
3. The Association supports policies and practices to use presentenced or sentenced inmates to work on public service work crews. (Amended and readopted 2012, readopted 2016, readopted 2020)
4. The Association supports county intermediate punishment programs as an alternative to restrictive conditions of probation for persons convicted of nonviolent crimes at the county level, contingent upon the continued and permanent funding by the Commonwealth for the cost of implementation, operation, and capital expenditures for county intermediate punishment programs in the counties, with funding based on performance measures of program success. The Association supports policies that require defendants to contribute to the costs of their participation in programs that are alternatives to incarceration. (Amended 1993, 1994, 1995, and 2004, amended and readopted 2012, readopted 2016, amended and adopted 2020)
5. The Association opposes any change to the state sentencing guidelines that would increase the county correctional population without funding from the Commonwealth for the cost of the implementation, operation, and capital expenses associated with these offenders. (Added 1995, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
6. The Association supports expanded awareness and use by counties of pretrial programs to ease the financial burden of bail on poor defendants, by making use of non-financial pretrial options where there is a reasonable expectation that public safety will not be threatened. (Added 1994, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
7. The Association strongly supports a grant of statutory authority to counties to develop mechanisms to recover from prisoners and detainees the costs associated with providing services to the prisoners and detainees. (Added 1995, amended 2004, readopted 2012, readopted 2016, readopted 2020)
8. The Association supports the enactment of policies and procedures at the federal, state and local level to support the diversion of mentally ill and substance abusing offenders, assuring collaboration with counties in defining the approaches, considers the capacity of counties to provide drug and alcohol treatment and other services to facilitate diversion while assuring public safety, and includes development of technical assistance and funding supports. (Added 2004, readopted 2012, amended 2016, readopted 2020)
9. The Association opposes legislation that diverts funds from inmate commissary accounts by requiring mandatory deductions for fines, fees, costs or restitution. The Association supports



reasonable deductions from inmate wages only if local policy dictates the percentage of deductions and how they are applied to fines, fees, costs and restitution. The Association opposes mandated structures or deduction schedules that lead to changes in administrative processes at county jails unless accompanied by financial and technical support from the Commonwealth. (Added 2015, readopted 2019, readopted 2023)

### **C. Health Services**

1. The Association supports changes to appropriate statutes or regulations to extend Medicaid, Medicare or veterans benefits eligibility or other sources of health care reimbursements to prisoners and detainees in county jails, and amendment of state policy to allow Medicaid, Medicare or veterans benefits eligibility to pre-trial detainees. (Amended 2000, 2004, 2006 and 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

2. The Association supports eligibility for the Medical Assistance Fee-For-Service programs for all juveniles during the entire period of care in a county operated or a county affiliated secure juvenile detention facility to ensure timely access to physical and behavioral healthcare and to promote the continuity of care. (Added 2004, readopted 2012, readopted 2016, readopted 2020)

3. The Association supports options to assist counties when they must handle inmates with serious illness or injuries. (Added 2006, readopted 2012, readopted 2014, amended 2018, readopted 2022)

4. The Association supports changes to appropriate statutes or regulations to prevent private health insurers from cancelling eligibility for health care reimbursements to prisoners and detainees in county jails or, if benefits remain in effect during incarceration, to prohibit insurers from refusing to pay claims that accrue during the period of incarceration as long as the policy remains in effect. (Added 2012, readopted 2016, readopted 2020)

### **D. Intergovernmental Relations**

1. The Association supports state reimbursement to counties for costs incurred as a result of any mandatory sentencing statute and opposes any new mandatory sentencing statute unless it is accompanied by Commonwealth funding or other funding sources to recover the costs imposed by those sentences. (Added 1995, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

2. The Association supports legislation to require the Commonwealth to reimburse counties for the costs associated with state parole detainees. (Added 1995, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

3. The Association supports a change in federal and state law and regulations to provide for the Department of Human Services to transfer public assistance payments and related benefits of previously eligible offenders to the county as reimbursement for county prison costs of

housing that offender. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

4. The Association supports legislation requiring the Department of Corrections to cover any medical costs and medically related transportation costs for any inmate temporarily in county custody who has been sentenced to a state correctional facility but not yet transferred. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

5. The Association believes Act 57 of 2005 requires the Commonwealth to reimburse counties for 65% of the salaries of full time district attorneys, regardless of the funding source. While the Association will consider support of legislation to provide a dedicated funding source, in the interim, and at any time dedicated funds are insufficient, the Association insists that annual appropriations be made from the Commonwealth General Fund and that reimbursements be made expeditiously. (Added 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

6. The Association supports a procedural change for the disbursement of funds from the special account within the office of the attorney general that reimburses counties for 65% of the salary of the full time district attorney, to require that disbursements occur on a regular quarterly schedule, rather than the current practice of disbursing funds at irregular intervals based on account balance and accumulation of undefined minimum payments that would be provided per county. (Added 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

7. The Association supports the identification of financial resources to cover the Commonwealth obligation to fund county victim witness assistance office expenses imposed on counties by the Victim Witness Protection Act, where the reduction and elimination of state funding has made this cost an unfunded mandate on counties. (Added 2012, readopted 2016, readopted 2020)

8. The Association supports legislation permitting counties within joint judicial districts to share a single full time district attorney, just as they share a joint president judge. (Added 2013, readopted 2017, readopted 2021)

#### **E. Probation and Parole**

1. The Association supports an amendment to the Adult Probation Grant-in-Aid reimbursement formula to fund county probation costs through initiatives that result in the reinvestment of state correctional facility cost savings into county-based programs. (Amended 1998, amended and readopted 2012, readopted 2014, readopted 2018, readopted 2022)

2. The Association supports Commonwealth reimbursement of 100% of county juvenile probation costs. (Added 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

3. The Association supports the expansion of the juvenile justice cost reimbursement to include operation of juvenile probation offices and juvenile detention facilities. (Added 1995, re-adopted 2012, readopted 2015, readopted 2019, readopted 2023)
4. The Association supports the changes necessary to Act 35 of 1991, relating to probation supervision fees, to authorize the county commissioners or their home rule counterparts the control and use of all adult probation supervision fees. (Added 1995; amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
5. The Association supports legislation to provide that any unfunded order or regulatory mandate from a state administrative or regulatory body affecting operating standards of the county criminal justice and corrections systems must first be submitted to a statewide committee made up of county commissioners and representatives of the courts, probation and jails for the opportunity to review and comment on the proposed order. If the order or mandate is rejected by the committee, it can become effective only on a vote of the general assembly. (Added 2011, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

#### **F. Jail Administration**

1. The Association supports amendment of the Deadly Firearms Act to clarify the authority of county commissioners to establish local policy on the carrying and securing of weapons on the grounds of county jails and prisons. (Added 2018, readopted 2022)
2. The Association supports legislation to clarify the Vehicle Code and regulations to grant the option for county correctional vehicles to utilize lights and sirens in the performance of emergency transportation. (Added 2018, amended 2022)
3. The Association supports legislation to require Title 18 definitions of contraband in county jails to be updated at least annually, and to require the legislature to notify county jails and the state correctional facilities to obtain recommendations for amendments. (Added 2018, readopted 2022)

### **X COURTS**

#### **A. Administration and Finance**

1. The Association supports state policies that provide options for counties, including the imposition of additional fees and costs to defendants and for other filings to fund security needs at magisterial district judicial offices and other court settings when state dollars are not provided or are inadequate to meet appropriate safety and security measures. (Added 2020)
2. The Association concurs in the decision of the Pennsylvania Supreme Court in *Allegheny v Commonwealth*, urges the Legislature to use all haste in complying with the decision, without commensurate reduction in other county programs, and opposes any legislation that purports

to negate the Supreme Court lower court funding decision. (Amended 1992, 1993 and 1996, re-adopted 2012, readopted 2014, readopted 2018, readopted 2022)

3. The Association supports legislation providing for appropriate budgeting, accounting, and auditing of drug forfeiture receipts, including the ability of the commissioners or their home rule counterparts to allocate the funds for general county purposes. (Added 1992, amended 1996; amended 2002 and 2004, readopted 2012, readopted 2016, readopted 2020)

4. The Association supports legislation requiring the Commonwealth to pay the costs for the public defenders office. (Added 2002, readopted 2012, readopted 2014, readopted 2018, re-adopted 2022)

5. The Association supports legislation to provide full and permanent state funding for the establishment of drug courts and other treatment courts in Pennsylvania where such courts might be effective, as determined by each county. (Added 2004, readopted 2012, amended 2016, readopted 2020)

6. The Association supports amendments to the schedule of fines, fees, and costs to increase the county court cost fees for traffic and non-traffic criminal violations, and restoration of fines and costs lost to counties through amendments included in Act 89 of 2013 relating to transportation funding reform, with regular periodic review to determine adequacy and increases as necessary. (Added 2005, amended and readopted 2012, amended 2016, readopted 2020)

7. The Association supports legislation to permit counties additional mechanisms to collect fines, costs, and judgments, including such strategies as wage attachments, freezing bank accounts through credit bureau reporting systems, garnishment of federal and state income tax refunds, denial of driver's licenses except where wage attachments have been agreed to, garnishment of lottery winnings, attachment of workers' compensation or other insurance payments, denial of passports, and publishing the offender's name and fiscal delinquency data in a statewide databank for ease of tracking. (Added 2006, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

8. The Association supports transfer of juror costs to the Commonwealth, consistent with the Allegheny court funding decision, and supports mechanisms to encourage juror participation such as employer tax deductions or credits to enable maintenance of salary while on jury duty. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

9. The Association supports legislation to increase the funding from the Commonwealth to each county for reimbursement of costs associated with each judge in the various judicial districts to \$150,000 per year, with corresponding adjustment annually by the same percentage as the cost of living increases in judicial pay. (Added 2008, readopted 2012, amended 2016, readopted 2020)

## **B. General**

1. The Association supports legislation authorizing the county governing body to abolish the office of constable. (Added 1993; amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
2. The Association supports an increase of \$5 in court filing fees to be set aside as a dedicated fund under the discretion of the commissioners or their home rule counterparts for the implementation and ongoing administration of security measures within county facilities. (Added 2000, amended 2004, amended 2006, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
3. The Association supports amendment to PA Code 201, Chapter 50, Rule 5000 relating to court reporting, to provide that fees for copies of court transcripts are paid to the county general fund for its use and not to the court reporters. (Added 2004, readopted 2012, readopted 2016, readopted 2020)
4. The Association supports “smart courtroom” or comparable technologies that provide for electronic and visual recording and transcription of courtroom proceedings as a means to maximize efficiency and cost savings. (Added 2006, amended and readopted 2012, readopted 2016, readopted 2020)

## **XI COMMUNITY AND ECONOMIC DEVELOPMENT**

### **A. Economic Development**

1. The Association supports short and long term strategic planning by the commonwealth, counties, and the business community to responsibly develop Pennsylvania’s natural gas resources, to promote industries that support the gas industry, and to promote industries that use the gas for industrial processes or end product. (Added 2012, readopted 2016, readopted 2020)
2. The Association supports timely engagement and execution by permitting agencies when undertaking review of shale gas extraction and use permits needed to promote natural gas development in all regions of the state, and supports legislation and other strategies to end moratoriums which have no basis in sound permitting practice, and in which unreasonably long moratoriums result in economic harm to counties affected. (Added 2013, readopted 2017, readopted 2021)
3. The Association supports initiatives that encourage rural economic development. (Readopted 1999, amended and readopted 2012, readopted 2016, readopted 2020)
4. The Association supports an amendment to Title 53, Chapter 60, Optional Affordable Housing Funding (formerly Act 137 of 1992), which authorizes counties to increase the recorder fees to create affordable housing trust funds, to establish a further increase in the fees to create an economic development trust fund to support desirable economic development, land use

planning and business objectives including the attraction of private and public investment, which in turn supports revitalization and infrastructure improvement. (Added 2002, readopted 2012, readopted 2014, readopted 2018, technical edits 2020)

5. The Association supports specific and full inclusion of counties in Act 2 of 1996, the Land Recycling and Environmental Remediation Standards Act. (Added 1996, readopted 2012, readopted 2016, readopted 2020)

6. The Association urges retention of Pennsylvania's military bases and facilities and supports the role of the Department of Community and Economic Development, the Department of Military and Veterans Affairs, the PA Military Community Enhancement Commission, and the General Assembly in coordinating strategy among bases for the creation and retention of federal jobs, and coordination of other industry and support efforts. (Added 2003, amended 2006, readopted 2012, amended 2014, technical edit 2018, technical edit 2022)

7. The Association supports action to improve the local process for review and approval of proposed development in a way that encourages a streamlined and cooperative approval process while preserving local governments' ability to promote the quality and character of development they desire, including the following:

- a. Amend the Municipalities Planning Code to allow a subdivision and land development ordinance to provide for one "substantive" review that would cover the use, design, and engineering details of a development and provide one public input opportunity and decision by the governing body;
- b. Amend the Municipalities Planning Code to provide for one consolidated review process with one record hearing in which all land development and zoning matters associated with a development application can be considered together;
- c. Establish a formalized process for coordination of review by state and local permitting agencies of a significant development project meeting thresholds for scale and impact; and
- d. Provide state technical assistance to promote best practices and more cooperative, uniform, and streamlined processes at the local level. (Added 2017, readopted 2021)

8. The Association supports legislation and other efforts to expand broadband access and deployment in Pennsylvania, working in coordination with counties, especially in rural and limited access areas, including service affordability and shared assets. Further, the Association supports state and federal funding and grants be made available to counties to assist in the development of broadband deployment, including infrastructure development and affordability programs. The Association opposes any mandates for county governments to administer broadband service or fund broadband expansion efforts. (Added 2018, amended 2021)

9. The Association supports options for counties to enter public-private partnerships in development of infrastructure projects, including broadband and transportation. (Added 2020)

10. The Association supports a requirement that counties be permitted to offer input and feedback, including but not limited to federally-designed identification number (FDIN), organization name, partnering entities, number of broadband service locations (BSLs) served, number of unserved BSLs to be covered, technology used, maximum upload and download speeds, cost, date to be completed, matching fund amount, requested grant amount and a concurrence or non-concurrence recommendation on grant applications to the Pennsylvania Broadband Development Authority, to be incorporated into the grant selection process.. (Added 2022, amended 2023)

## **B. Community Development**

1. The Association supports the Federal government's continued funding for the Community Development Block Grant Program and asks for clearer, less restrictive guidelines for how the funds may be used. (Added 1999, readopted 2012, amended 2015, readopted 2019, readopted 2023)

2. The Association supports funding assistance for GIS and coordination between and among federal, state, and local agencies on GIS technologies and data, including the sustainability of the state Geospatial Coordinating Board and readiness for NextGen 911. (Added 1999, amended 2003, readopted 2012, readopted 2015, amended 2019, readopted 2023)

## **C. Agriculture**

1. The Association strongly encourages all counties to involve the agricultural community in local decision-making and to emphasize agricultural issues in the preparation of the county comprehensive plan and related land use documents. (Amended 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

2. The Association supports making available business incentives and lending opportunities for agriculture in a manner equal to any other business in the Commonwealth. (Amended 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

3. The Association supports efforts to expand and increase funding from the Commonwealth and other sources for farmland preservation, including state bond initiatives. (Amended 2008, readopted 2012, readopted 2016, readopted 2020)

4. The Association supports county discretion to determine those farmlands to be included in county farmland preservation plans and programs, and encourages the state to work with counties regarding determination of criteria. (Added 1995; amended 2001, amended and readopted 2012, readopted 2016, readopted 2020)

5. The Association supports allowing local administration of nutrient management legislation and regulations by county conservation districts. (Added 1995; amended 2001, amended and readopted 2012, readopted 2016, readopted 2020)

6. The Association supports the maintenance and expansion of the PA Preferred Program and the Farmers Market Nutrition Program by the Federal Government and the Commonwealth in present and subsequent fiscal years. (Added 2002, amended and readopted 2012, readopted 2016, readopted 2020)
7. The Association supports an increase in the state's share of funding for conservation districts. (Added 2004, readopted 2012, readopted 2016, readopted 2020)
8. The Association supports state funding for Penn State Extension services at levels that appropriately reflect the state-county partnership and assure the University's resources and expertise continue to be accessible to Pennsylvania residents in all 67 counties. (Added 2007, amended and readopted 2012, amended 2013, readopted 2017, readopted 2021)
9. The Association supports policies and programs that create parity and sustainability for the dairy industry and recognize actual costs of production. The Association further supports working with the Department of Agriculture to identify additional agricultural economic options and alternative commodities in addition to dairy to assist the dairy industry in diversifying its operations. (Added 2009, readopted 2012, readopted 2013, readopted 2017, amended 2018, amended 2022)
10. The Association supports a coordinated effort between federal, state and local government to eradicate invasive species, including but not limited to the spotted lanternfly, gypsy moth, emerald ash borer, oriental bittersweet and mile-a-minute grass, that target important agricultural, aquatic and forest commodities as well as quality of life issues. The Association further supports continued federal and state resources to assist the commonwealth and county governments in combating the spread of invasive species. (Added 2018, readopted 2022)

#### **D. Transportation**

1. The Association supports, in recognition of the critical role of transportation for our communities, our industries, and our quality of life, prompt legislative action, in coordination with counties, on a comprehensive set of durable funding and administrative solutions to Pennsylvania's infrastructure and transit needs without diverting those funds to other purposes, and including options for local revenue generation as long as it is in tandem with, and not a substitute for, generation of state resources that augment those local resources. As the state explores transportation funding options, the Association encourages the commonwealth to focus on more equitable options for commonwealth residents that result in responsible rehabilitation and maintenance of infrastructure and transportation systems in the commonwealth (Added 2012, readopted 2016, technical edits and readopted 2020, amended 2021, amended 2022)
2. The Association opposes, except as a temporary, last-resort measure, allowing flexing federal transportation funds between capital costs and mass transit operating costs, and instead supports state and federal action to develop revenue sources and enact appropriations sufficient to meet critical needs in transportation infrastructure, mass transit, and other transit programs. (Added 2006, readopted 2012, readopted 2014, readopted 2018, readopted 2022)



3. The Association opposes the use of federal gasoline excise tax, state motor license fund, state liquid fuels funds, or any other dedicated transit tax for a purpose other than that dedicated purpose. (Readopted 1999, amended 2008, amended and readopted 2012, readopted 2016, readopted 2020)

4. The Association supports legislation to address the issue of bridge ownership and offers the following:

- a. Require the state to assume ownership and control of all bridges on state highways;
- b. Create a reverse turnback program, similar to that of the road program, for bridges which would include a state funding component;
- c. Create new funding options and reimbursement for existing bridges under county control;
- d. Resolve liability issues when bridges intersect with municipal roads;
- e. Revise PennDOT policy to allow covered bridges which are of a historical nature or serve as a tourist attraction to be reconstructed when destroyed; and
- f. Facilitate PennDOT's guidance on bridges under PUC authority when involved in Rails to Trails projects. (Amended 1999, readopted 2012, readopted 2015, readopted 2019, readopted 2023)

5. The Association supports simplification of state and federal requirements for obtaining bridge plan approval on liquid fuels projects, including concurrency of engineering and environmental reviews, enabling counties to expedite projects and to reduce design and construction costs. (Added 2008, readopted 2012, readopted 2016, readopted 2020)

6. The Association believes that public transportation, including rural transportation, is critical in meeting the needs of those in need of services as well as the workforce. To that end, the Association:

- a. Urges increased and dedicated funding for all forms of public transportation across the Commonwealth;
- b. Supports further exploration and enhancement of publicly funded transportation options, such as "shared ride", paratransit, and mass transit, with the necessary caution to avoid concerns of unfunded mandates to counties, potentially increased county funding match requirements, added prohibitive burden on the counties' transportation infrastructure, or the potential for negative fiscal impact on other populations currently being served; and
- c. Promotes active participation of counties working together with state agencies in a synergetic effort to identify all available opportunities to coordinate transportation services within the Commonwealth, and to overcome real and perceived barriers in order to avoid duplication of services and to offer affordable transportation to the greatest number of Commonwealth residents. (Added 1999, amended 2000, readopted 2012, readopted 2016, readopted 2020)

7. The Association supports a requirement that proposed PennDOT and Turnpike Commission projects be reviewed for consistency with county and municipal plans. (Added 1999, amended and readopted 2012, readopted 2016, readopted 2020)
8. The Association supports an increase in the annual maintenance payment to municipalities under the state Turnback of Roads Program and a process for the periodic increase in the amount per mile reimbursement to reflect current maintenance costs. (Added 2000, readopted 2012, readopted 2016, readopted 2020)
9. The Association supports, and incorporates by reference, the comprehensive transportation and infrastructure platform offered by the National Association of Counties, including provisions relating to implementation and renewal of any surface transportation reauthorizations, as well as transportation philosophy, comprehensive planning, national highway program, surface transportation, public transportation, airport development, railroads, and research and development provisions. (Added 2003, amended 2004 and 2006, amended and readopted 2012, amended Spring 2013, readopted 2017, technical edit 2019, amended 2021, amended 2022)
10. The Association supports creation of a state-wide large volume contract on behalf of counties for bridge construction or replacement, based on common engineering and design standards and taking advantage of economies of scale, prebuilt components such as precast concrete and culverts, and other alternatives as strategies to drive down county costs. (Added 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)
11. The Association supports county involvement in any evaluation of the potential impact of a Medical Assistance Transportation Program (MATP) change of service model on county transportation systems and clients who rely upon them. The Association further supports county right of first opportunity where any alterations to the structure of the MATP, Shared Ride or Shared Ride Lottery programs are being considered. (Added 2019, amended 2022)
12. The Association supports public-private partnerships for transportation programs, but opposes their use to toll interstate bridges where sufficient detail has not been presented to evaluate impacts, where these plans are not part of a comprehensive transportation funding solution and where the public safety impacts and support to counties for the additional wear and tear on county bridges from diversion of traffic have not been addressed. (Added 2022)

## **E. Infrastructure**

1. The Association believes that water and sewer expansions, whether public authorities or private companies, should be consistent with county and municipal plans. (Added 1999, readopted 2012, readopted 2016, readopted 2020)
2. The Association supports increased state and federal funding for maintenance and rehabilitation of high hazard dams, including remediation of legacy sediments, and encourages state and federal agencies to work together to determine goals for operation of existing dams. The Association further requests that state and federal agencies allow the design standards to which

a dam was constructed be applied until such time as the dam is altered, improved or has deteriorated, rather than applying more stringent design criteria to dams that are otherwise meeting the standard to which they were constructed, and that the programs and formulas used to determine Probable Maximum Precipitation standards be revisited. (Added 2013, amended 2014, amended 2015, readopted 2019, readopted 2023)

## **F. Workforce Development**

1. The Association supports a philosophical approach to workforce development by federal, state and local leaders that includes:
  - a. A consolidated national workforce development system mandated by Congress, principally funded by the federal government, coordinated in the Commonwealth by the Governor and State Workforce Development Board, with the maximum amount of funds allocated to local Workforce Development Areas, and with Workforce funding and policies in local Workforce Development Areas managed by Workforce Development Boards and county commissioners (or other local elected officials) and coordinated through local systems including the PA Career-Links Centers;
  - b. A broad and flexible interpretation of workforce development systems, requiring that federal and state laws support and fund the local Workforce Development Areas through a broad range of related workforce initiatives and funding streams including federal workforce programs operated by the US Department of Labor, Health and Human Services, Housing and Urban Development, Commerce, and Agriculture and state workforce programs operated by the Pennsylvania Departments of Labor and Industry, Human Services, Community and Economic Development, Education and Aging, as well as any other State department or bureau with delineated workforce programs;
  - c. Consolidation of workforce funding programs wherever possible into a single funding stream, allocated to local Workforce Development Areas to be managed by Workforce Development Boards in a manner that is compatible with broad state policies and local economic conditions, goals and objectives; and
  - d. An equitable formula-based distribution of federal funds to the states, as now provided in the Workforce Innovation and Opportunity Act of 2014 (WIOA), and a further formula distribution of funds from the state to the local level. (Amended and readopted 2012, readopted 2016, technical edit 2018, readopted 2022)
  
2. The Association supports structural shifts in the relationship between the Commonwealth, and the local Workforce Development Boards and county commissioners that:
  - a. Ensure that federal mandates and state policies are fully implemented and utilized at the local Workforce Development Area level while maintaining maximum flexibility for local Workforce Development Boards and County Commissioners;
  - b. Establish the role of the Commonwealth as one of ensuring that all workforce resources are aligned, consolidated and coordinated to optimize available resources;

- c. Recognize that Workforce Development Boards and county commissioners must be in a position to coordinate, authorize, and ensure accountability of the program; and
  - d. Assures that local Workforce Development Boards and county commissioners are, at a minimum, notified of every state funded workforce related initiative, including purpose and allocations, occurring within a workforce area. (Readopted 2012, readopted 2016, technical edit 2018, readopted 2022)
3. The Association supports alignment of workforce development resources in a system that:
- a. Gives the State Workforce Development Board, led by a private sector majority and chair, oversight to determine how to equitably and efficiently integrate, consolidate and distribute the funds that the Governor designates as components of the Commonwealth's workforce development system;
  - b. Gives local Workforce Development Boards and county commissioners the responsibility to coordinate services in a local Workforce Development Area, according to their strategic plans, including funds that do not flow through the PA CareerLink system;
  - c. Requires that any changes in the geographical composition of local Workforce Development Areas by the governor or state Workforce Development board should be made only after adequate prior consultation with the affected local elected officials and Workforce Development board, and with a guarantee of an appeal process;
  - d. Mandates that base funding for the Commonwealth's PA CareerLink infrastructure be equitably secured through all partners as identified in the federal Workforce Development Act and any additional partners as identified by the Commonwealth, and that adequate funding for PA CareerLink infrastructure be provided through the Workforce Innovation and Opportunity Act (WIOA) or another federal or state funding stream;
  - e. Supports the creation of mechanisms that require joint economic development, workforce, and education planning at the local Workforce Development area level, with a focus on supporting existing key industries and industry clusters as well as developing strategies on the type of industries that should be attracted to a local and regional area;
  - f. Uses the county commissioners as the conveners and facilitators of local planning efforts while including the local Workforce Development Boards, county planning offices, educators, and economic development partners; and
  - g. Recognizes the investment that has been made in the public workforce system and supports the integration and alignment of employment and training programs authorized by other Commonwealth departments into the existing system rather than creating duplicative systems or making investments that could otherwise leverage existing resources. In particular the Association supports the integration of the PA Department of Human Services' Employment Advancement and Retention Network (EARN) program with the workforce system and to that end

urges the retention of local Workforce Development boards and their county governments as the designated fiscal agents for Department of Human Services (DHS) workforce programs, emphasizing promotion of integration and alignment of such programs within the PA CareerLink system whenever possible in the interest of achieving efficiencies and eliminating duplication. (Readopted 2012, readopted 2016, technical edit 2018, readopted 2022)

4. The Association supports development of a customer focus in the workforce development program, recognizing the diversity and number of customers and stakeholders of the workforce development system in a manner that:
  - a. Develops a renewed single, unified, and comprehensive approach to identifying employer needs, maintaining employer contacts, and disseminating their needs to all organizations supporting these employers;
  - b. Focuses services to improve the skill levels of incumbent workers and serves as a means of business retention, by coordinating training needs and programs locally through local Workforce Development Boards;
  - c. Assists dislocated workers by recognizing their skills and talents and focusing efforts on reemployment in family sustaining jobs and by using the skill-sets and talent of our dislocated worker population as an incentive to grow existing business or attract new industry;
  - d. Promotes self-sufficiency by recognizing the need for training, skill enhancement, and placement of workers who are economically disadvantaged, low skilled, or face other barriers to employment to enter the workforce in the short term, augmented with longer term strategies such as “career ladders” and life long learning systems.
  - e. Continues to offer youth programs, funded through the local Workforce Development system to promote the integration of Adult, Dislocated Worker, and Youth workforce services into systems driven by local planning and priorities;
  - f. Includes a broad and inclusive definition of training, not limited to individual training accounts and on-the-job training, but inclusive of training such as work readiness and industry-recognized credentials that increase an individual’s employability skills; and
  - g. Includes an emerging workforce component that contains more than the traditional intervention with at risk youth, but that also recognizes existing and future needs of our employers by providing information and relevant exposure to all youth, their parents, and the educational system on the employment opportunities, and the occupational needs of these most important industries, ideally complementing a K-12 educational system that assures that the achievement levels of Pennsylvania’s students are globally competitive. (Amended and readopted 2012, readopted 2016, technical edit 2018, readopted 2022)

## **G. Tourism**

1. The Association supports administration of tourism grant programs by the Department of Community and Economic Development consistent with the objectives of maintaining individual county tourism promotion programs, balanced with incentives for regional approaches and providing consistency with Commonwealth tourism promotion efforts. (Added 2000; amended 2002, amended 2007, amended 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)
2. The Association supports development and expansion of funding sources to assist counties in preserving their architectural and cultural heritage. (Added 2000, amended and readopted 2012, readopted 2016, readopted 2020, amended 2022)
3. The Association supports continuation of funding support for regional recreation and heritage-based tourism initiatives established in partnership by the Commonwealth's Department of Conservation and Natural Resources and Department of Community and Economic Development, such as "Pennsylvania Wilds" and similar initiatives in other tourism regions, and acknowledges the dual objectives of developing the tourism trade while conserving our natural attractions and assets. (Added 2008, readopted 2012, readopted 2016, readopted 2020, technical edit 2023)
4. The Association supports an amendment to the County Code to permit counties to increase the hotel occupancy tax up to 6% along with authorization to designate the funds for administration by up to three tourism, tourism promotion, tourism development, or travel destination development entities. (Added 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)

#### **H. Sustainable Communities**

1. In order to promote collaboration and consistency between county and municipal planning, the Association supports:
  - a. State legislation that would provide incentives and reduce statutory constraints on intergovernmental cooperation and functional consolidation;
  - b. County review of state funded economic development, environmental, transportation, and land use projects and grants coming into a county to ensure the coordination of regional priorities;
  - c. Inclusion of conservation districts in the review process for projects with significant land use impact;
  - d. Consistency between a municipal and county comprehensive plan as an incentive for receiving state funding for a municipal project;
  - e. State incentives that promote the consistency of local comprehensive plans with county comprehensive plans and/or the use of county zoning and subdivision ordinances; and

- f. The allocation of state funding that would enable counties to assist municipalities within their borders with cross-municipal communication, cooperation, and functional consolidation. (Added 2004, readopted 2012, readopted 2016, readopted 2020)
2. The Association supports continued provision of financial assistance to municipalities through DCED's Municipal Assistance Program and other funding sources. (Added 2010, readopted 2012, amended 2013, readopted 2017, amended 2021)
3. The Association supports legislation to aid county and municipal government in preventing or rehabilitating blighted properties as long as there are not additional burdensome or costly mandates to counties to support those programs and initiatives. (Added 2008, readopted 2012, readopted 2016, readopted 2020, amended 2022)
4. The Association supports a revision to current PennDOT policy regarding Bicycle Occupancy Permits (BOP), currently obligating local municipalities to assume the maintenance and liability of bicycle lanes on state owned roads prior to PennDOT's issuance of a BOP or PennDOT agreeing to install bicycle pavement markings on state roads, to provide that maintenance and liability of bicycle lanes would be the responsibility of the owner of the road. (Added 2015, readopted 2019, readopted 2023)

## **XII. EMERGENCY MANAGEMENT**

### **A. Intergovernmental Cooperation**

1. The Association supports improved coordination on policy and practice issues, including lines of responsibility and communication, among emergency responders from federal, state, PEMA, Homeland Security, DEP, Health, EPA, municipalities, law enforcement, emergency medical services, hazardous materials teams, coroners, private sector, hospitals, and others. (Added 2002, amended 2003, readopted 2012, readopted 2015, readopted 2019, technical edit 2023)
2. The Association recognizes the critical public need for the highest level of professionalism and capability among first responders, while concurrently recognizing the staffing, time, and resource issues faced by volunteer, small, and rural responders. To that end, the Association:
  - a. Supports collaborative establishment of state-level standards for first responder and emergency management capabilities so that state and local personnel can be trained, equipped and exercised to those standards;
  - b. Opposes required staffing levels which do not recognize volunteer staffing issues; and
  - c. Supports establishment of mechanisms such as waivers or recognition of alternative training or time-in-service that balance necessary training and certification needs against the time and resource capabilities of volunteer responders. (Added 2002, readopted 2012, amended 2014, readopted 2018, readopted 2022)

3. The Association supports federal, state, and local efforts to enhance emergency and disaster response and recovery capabilities for all hazards, including specialized planning and response for bioterrorism, chemical terrorism, weapons of mass destruction, pandemic, and nuclear events. (Added 2002, amended 2007, readopted 2012, readopted 2015, readopted 2019, readopted 2023)
4. The Association calls on the state and federal government to recognize that counties and municipalities have disparate fiscal capacities and that dedicated and permanent funding sources, including an increase of the Emergency Management Performance Grant from 50% reimbursement to 75% reimbursement and an expansion of eligible staffing authorization, are needed for training, all-hazard planning, communications, and response capability (including staffing, supplies, general and specialized equipment, and specialized response such as urban search and rescue, dive teams, and mass casualty incidents) . (Added 2002, amended 2004, readopted 2012, readopted 2016, readopted 2020)
5. The Association opposes FEMA distribution of funding based solely on capability and relation to performance standards, believing it also necessary to recognize levels of fiscal capacity and levels of risk. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
6. The Association opposes the Federal Emergency Management Agency's (FEMA) efforts to establish a deductible for FEMA's Public Assistance Program. (Added 2016, technical edit 2018, readopted 2022)
7. The Association supports collaboration with the Office of Homeland Security, PEMA and DCED to provide training for commissioners, and support education of state and local elected officials of their responsibilities and prerogatives regarding emergency management functions. (Added 2002, amended 2003, readopted 2012, readopted 2015, readopted 2019, amended 2022)
8. The Association supports general public education on disaster management and response issues. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
9. The Association supports a comprehensive rewrite of Title 35, the Emergency Management Services Code, to bring it into conformity with current needs and practice, conditioned on the rewrite providing a proper balance among state, county, and local agencies, appropriate flexibility to meet local conditions, appropriate resolution of workers' compensation issues for governmental staff and volunteers, a balanced approach to planning for dependent care and other group facilities, means to include planning for smaller municipalities that recognize local needs and decision-making, and balance between funding and other incentives for compliance and sanctions for failure to comply. (Added 2008; amended 2009, readopted 2012, readopted 2013, readopted 2017, readopted 2021)



10. The Association supports a collaborative effort with the Department of Health, PEMA, the Office of Administration, Department of Human Services, other state and federal agencies, and stakeholders to provide technology tools to municipalities, counties and EMS providers, as well as ongoing investments in these resources, to enable them to better assess current strengths and vulnerabilities, to improve technology services and security, dispatch efficiencies, and to plan for current and future needs. To this end, the Association opposes the development of any dispatch or crisis response services that do not coordinate and plan current 911 and emergency response best practices, technologies and procedures, such as geolocation, and Next Generation (NG911) system access, to ensure timely and appropriate response. Further, the Association opposes the implementation of any crisis response and dispatch efforts without consideration for coordinating and planning operations with current and future emergency response systems. (Added 2020, amended 2022)

11. In the event of any disaster or public health emergency, the Association supports the immediate implementation of an integrated response plan in close coordination, collaboration and partnership with counties by the state entities with the constitutional oversight for response and using the existing National Incident Management (NIM) model to aid in such joint response efforts. (Added 2021)

12. The Association supports regular and active communication and collaboration between the Department of Health and counties, particularly those without health departments, on any and all emergency response efforts that impact a county and its residents. (Added 2021)

## **B. County Emergency Management**

1. The Association seeks legislation amending the Emergency Management Services Code authorizing proper local officials to order and enforce mandatory evacuations when lives are in jeopardy. (Amended 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

2. The Association supports collaborative implementation of the current 911 statute, which provides a uniform set of planning, accounting, eligibility, reporting, and fee levy, collection and distribution provisions across technology platforms, an increase in fees and expansion of eligibility of expenditure of fees, and readiness for transition to Next Generation 911. The Association further supports study and planning requirements in anticipation of future sunsets, and calls for any adjustments to the fee system to maintain a nexus with the communications system, adapt to new technologies, markets, and billing strategies, and assure fee revenues meet system needs on an ongoing and permanent basis. Further, the Association supports a funding and distribution formula for the ongoing maintenance and support of 911 that is fair and equitable to counties of all classes. Absent a fair funding formula, the Association supports additional funding to those counties to ensure equitable support of their 911 systems, ensuring no county receives decreased funding. (Added 2002, amended 2009, readopted 2012, readopted 2013, amended 2015, technical edit 2018, amended 2022, technical edit 2023)

3. The Association opposes forced or coerced consolidation of all or part of county public safety answering points (PSAPs), but supports incentives and removal of impediments to sharing

PSAP services such as equipment, training, communications infrastructure, trunking lines, and system redundancies. (Added 2011, readopted 2012, readopted 2015, technical edit 2019, amended 2023)

4. The Association supports review and revision of the Hazardous Material Response Fund fees and allocations, to increase available funds and assure uses meet current practice and needs. (Added 2018, readopted 2022)

5. The Association supports funding to cover emergency management agency costs for replacement and/or disposal whenever a regulatory body finds the substance to be contrary to public health. (Added 2022)

### **C. Communications**

1. The Association urges federal and state government to assist county and local government by providing the broadest possible interoperability between public safety agencies across voice, data and geo-data, and wireless technologies, and by providing additional spectrum to address interoperability and dead zone problems created by congestion and interference with commercial services. The association also supports the transparency of provider broadband and cell coverage data being made available to all counties. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022, amended 2023)

2. The Association supports development of, and funding for, reverse 911 systems as a tool to provide timely notice to the public. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

3. The Association supports legislation to require communications entities, including but not limited to internet service providers, cable operators and radio stations to transmit emergency messages. (Added 1998, amended 2003, readopted 2012, readopted 2015, readopted 2019, amended 2023)

### **D. Local Emergency Management**

1. The Association recognizes our strong reliance on fire and emergency services volunteers, and supports innovative state and local incentives and other efforts toward recruitment and retention. (Added 2002, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

2. The Association supports county involvement, and urges counties to find ways to support locals, in the state fire incident reporting system. (Added 2002, amended and readopted 2012, readopted 2016, readopted 2020)

3. The Association supports legislation or regulations giving municipalities specific and exclusive responsibility for, and clear guidance standards for, the selection of primary Emergency Medical Services responders. (Added 1996; amended 2001, readopted 2012, readopted 2016, readopted 2020)

4. The Association supports legislation to make permanent the Fire and Emergency Medical Services Loan Program, currently scheduled to sunset on June 30, 2024. (Added 2010, readopted 2012, amended 2013, readopted 2017, technical edit 2021)

5. The Association supports restitution as a mechanism for all emergency responders, including volunteers, to recover the costs of specialized responses such as trail or forest rescues from an individual or organization when determined to be based on general negligence. (Added 2011, readopted 2012, readopted 2015, amended 2019, amended 2023)

6. The Association supports an option for creation of a county authority with municipal participation or a fully multi-municipal authority to provide regionalized emergency response services on behalf of and in cooperation with all or part of the municipalities within a county, with the following parameters:

- a. Potential creation of an authority to provide and manage the service(s), either directly, by contract, in partnership with municipalities, or in some combination;
- b. Prioritize improving access to service and system efficiencies;
- c. Services may include fire and/or EMS (QRS, BLS, ALS);
- d. Services may be provided for all municipalities, or select municipalities based on criteria including among others demographics, fiscal capacity, regional contiguity, service response areas and expression of need;
- e. Development of the scope and nature of service in consultation with its municipalities;
- f. Determination on full time and part time, and volunteer staffing configurations, and whether provided directly or through a contracted third party;
- g. Alignment with other regional providers, including hospitals, trauma centers, police, State Police and others;
- h. Funding sources and methodologies, including among others direct payment by municipalities, authorization and allocation of dedicated municipal emergency services millages, authorization of a dedicated county emergency services millage or per capita levies, provider billing and payment, subscriptions, and state and federal funding sources;
- i. Provide for municipal agreement and participation by vote of the governing bodies of the municipalities in the county or, if less than countywide, in the service region; and
- j. The potential development of a partnership with local schools to offer entry level training for firefighters and EMTs to encourage our youth in career pathways and volunteerism of emergency response. (Added 2018, readopted 2022)

7. The Association supports legislative and administrative action to adequately fund EMS operations across the commonwealth at both the state and local levels, including an annual adjustment for any rate increases and an increase of the statutory cap for municipal millage rates for EMS without referendum. (Added 2018, amended 2020, amended 2023)

8. The Association supports the creation of a work group, in conjunction with the Department of Health, PEMA and municipalities, to develop operational standards of coverage for EMS. (Added 2020)

9. The Association supports the development, funding, and operation of community-based risk reduction (CRR) programs, including but not limited to community paramedicine, mobile community health care, mental health prevention, and community needs assessment programs that will reduce emergency calls and emergency department transports. (Added 2020)

**E. Other**

1. The Association seeks legislative and regulatory relief from laws and rules that unnecessarily or disproportionately restrict the provision of emergency medical services in rural areas. (Readopted 2012, readopted 2016, readopted 2020)

**XIII MISCELLANEOUS**

**A. Military and Veterans Affairs**

1. The Association supports development of a schedule of best practices for counties to use in providing services to active and reserve military, guard and veterans and their families, including innovative services, program integration, inclusion of veterans issues in human services and criminal justice planning and coordination, coordination with veterans service organizations, and outreach. (Added 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

2. The Association supports amendment of the property tax exemption available to disabled veterans and surviving spouses to exclude USDVA disability income from the program calculations that are used to determine financial need, to remove the requirement for a veteran to have served in a war or conflict, to extend the benefit to spouses of members of the armed forces who are killed in the line of duty or declared missing in action, or veterans who would have been declared disabled but died from that disability before a determination was made, and to allow veterans residing in a long-term care facility to remain eligible for the exemption if they still own their residence. The Association opposes amendments to provide partial exemptions to veterans or surviving spouses based proportionately on partial disability or to remove the requirement for a surviving spouse to demonstrate need to continue to receive the exemption. (Added 2010, readopted 2012, readopted 2014, amended 2016, amended and readopted 2020, amended 2022)

3. The Association supports creation and state funding for problem solving courts and other intervention for active and reserve military and veterans and their families. (Added 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)

4. The Association supports provision of annual state and federal appropriations to assist counties in providing appropriate burial recognition for deceased military and veterans, including flags and holders. (Added 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
5. The Association supports extending to counties the state Act 166 financial assistance made available to service organizations for assistance provided to veterans in servicing claims. (Added 2010, readopted 2012, readopted 2014, readopted 2018, readopted 2022)
6. The Association supports the Administrative Office of Pennsylvania Courts' (AOPC) continued operation of a veterans courts mentorship program. (Added 2011, readopted 2012, readopted 2015, readopted 2019, technical 2023)
7. The Association supports county efforts to work with state and federal agencies in educating veterans and the public about fraudulent and misleading programs, including fundraising efforts for illegitimate organizations claiming to provide benefits to veterans, and vendors who charge a fee to assist veterans in obtaining benefits, and in reviewing statutes for the purpose of establishing appropriate penalties for such acts. (Added 2013, readopted 2017, readopted 2021)
8. The Association supports federal and state funding for a portion of the salary and operating expenses for county directors of veterans affairs. (Added 2014, readopted 2018, readopted 2022)
9. The Association supports development of means to have qualified academic or vocational training received during military service be counted as credit toward public or private post-secondary education or certification. (Added 2015, readopted 2019, readopted 2023)
10. The Association supports legislation to expand state and federal veterans caregiver programs. (Added 2018, readopted 2022)
11. The Association supports full state and federal funding, including stopgap funding when warranted, to assure that programs provided by the federal, state and local governments and other providers meet the critical service needs of our veterans. (Added 2018, readopted 2022)
12. The Association opposes implementation of recommendations from the United States Veterans Administration Asset and Infrastructure Review report which would remove access to veterans' facilities and services from certain communities without full collaboration with counties and the community to understand the impacts reduced or eliminated access would cause. (Added 2022)

**C. Libraries**

1. The Association supports efforts to ensure the Commonwealth meets its obligations to adequately fund public libraries, including:
  - a. Restoration of the Public Library Subsidy to at least FY 2001-2002 levels;

- b. Increasing County Coordination Aid to incentivize county and local support to libraries;
- c. Using up-to-date county funding and population statistics to guide the state's financial support and development of libraries;
- d. Funding for Library Access including restoration of the Statewide Library Card Reimbursement program;
- e. Restoration of funding for Libraries for the Visually Impaired and Disabled which provides library services for the state's most vulnerable citizens;
- f. Providing inflation adjustments to all funding going forward; and
- g. Reviewing library funding distribution formulas every five years. (Section and subsection added 1998, amended 2011, readopted 2012, amended 2015, amended 2019, amended 2023)

2. The Association recognizes that welcoming, safe, modern library facilities serve communities as essential gathering spaces and technology centers that also provide access to and engagement with local government services, and so the Association supports:

- a. The continuation and expansion of matching grants for library capital projects under the Keystone Recreation, Park, and Conservation Fund program;
- b. The development of alternate sources of capital improvement funds to update or replace aging library facilities;
- c. Recognizing counties or multi-county regions as strategic partners that leverage increased efficiencies or service improvements through planning, coordination and funding of library services;
- d. Acknowledging the state's responsibility to provide library services for special populations, such as the blind, the aged, injured war veterans and others with physical or mental limitations; and
- e. Leveraging the Commonwealth's purchasing power by developing statewide information technologies and providing online resources for libraries and the citizens who use them. (Added 2015, amended 2019, readopted 2023)

**D. Other**

1. The Association supports the Pennsylvania Rural-Urban Leadership (RULE) Program. (Amended and readopted 2012, readopted 2016, readopted 2020)