

Senate Resolution 323 of 2010 Report

Study of Statutory Mandates Placed on Counties and Municipalities

Appendix A

Senate Resolution 323 of 2010

Local Government Commission
General Assembly of the Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

October 9, 2012

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 323 Session of 2010

INTRODUCED BY EICHELBERGER, WAUGH, ERICKSON, RAFFERTY, GORDNER, ARGALL, COSTA, ROBBINS, FOLMER, BOSCOLA, MUSTO, ALLOWAY, FARNESE, FERLO, D. WHITE, WILLIAMS AND BRUBAKER, MAY 4, 2010

AMENDED, JULY 1, 2010

A RESOLUTION

1 Directing the ~~Joint State~~ LOCAL Government Commission to conduct ←
2 a comprehensive study of the number and types of mandates
3 placed upon Pennsylvania's local governments by the
4 Commonwealth.

5 WHEREAS, The cost of local government operations in this
6 Commonwealth is steadily increasing due to directives or
7 mandates placed upon ~~local government units~~ COUNTIES AND OTHER ←
8 MUNICIPALITIES by both the Federal Government and State
9 government; and

10 ~~WHEREAS, An unfunded mandate is a statute or regulation that ←
11 requires a political subdivision to perform certain actions, yet
12 provides no money for fulfilling the requirements, while an
13 underfunded mandate provides less funding than the political
14 subdivision needs to carry out the task; and~~

15 WHEREAS, AN UNFUNDED MANDATE IS A STATUTE OR ITS IMPLEMENTING ←
16 REGULATION THAT REQUIRES COUNTIES AND OTHER MUNICIPALITIES TO
17 PERFORM CERTAIN ACTIONS YET PROVIDES NO MONEY FOR FULFILLING THE
18 REQUIREMENTS WHILE AN UNDERFUNDED MANDATE PROVIDES LESS FUNDING

1 THAN COUNTIES AND OTHER MUNICIPALITIES NEED; AND

2 WHEREAS, The increasing cost of these mandates is
3 concurrently increasing the local tax burden on this
4 Commonwealth's citizens and businesses, which results in a
5 significant impact on the economic health of this Commonwealth
6 and its communities; and

7 WHEREAS, The National Conference of State Legislatures found
8 that from 2004 to 2008, the Congress of the United States
9 shifted a financial burden of at least \$125 billion on to
10 states, a portion of which has been subsequently transferred to
11 local governments; and

12 WHEREAS, The County Commissioners Association of Pennsylvania
13 estimates that up to 80% of a county's budget is made up of
14 directives from outside entities, including human services,
15 which represent 60% of a county's responsibilities, plus courts
16 and corrections; and

17 WHEREAS, THE LOCAL GOVERNMENT COMMISSION HAS MAINTAINED A ←
18 COMPUTERIZED FILE OF MANDATORY AND DISCRETIONARY STATE STATUTORY
19 MANDATES SINCE 1982; AND

20 WHEREAS, State government has an obligation of fiscal
21 responsibility and must be cognizant of the tax burden it
22 imposes upon local taxpayers whether directly or indirectly; and

23 ~~WHEREAS, There currently exists no comprehensive information ←~~
24 ~~on the number and cost of State mandates upon this~~
25 ~~Commonwealth's local governments; therefore be it~~

26 WHEREAS, THERE CURRENTLY EXISTS NO COMPREHENSIVE INFORMATION ←
27 ON THE TYPES AND COSTS OF STATE MANDATES UPON THIS
28 COMMONWEALTH'S COUNTIES AND OTHER MUNICIPALITIES; THEREFORE BE
29 IT

30 RESOLVED, That the Senate direct the ~~Joint State~~ LOCAL ←

1 Government Commission to establish a task force to study the
2 unfunded and underfunded STATUTORY mandates placed by the
3 Commonwealth upon Pennsylvania's boroughs, townships, counties
4 and cities; and be it further



5 ~~RESOLVED, That the task force be comprised of experts~~
6 ~~familiar with the funding and operation of programs implemented~~
7 ~~by local government units, including elected officials,~~
8 ~~representatives from local government associations,~~
9 ~~academicians, program directors, finance officers or other~~
10 ~~administrators from both State and local government; and be it~~
11 ~~further~~



12 ~~RESOLVED, That the task force compile a comprehensive list~~
13 ~~describing each directive placed upon local governments whether~~
14 ~~voluntary or mandatory, and further indicate in its study~~
15 ~~whether the directive is Federal or State in origin or a~~
16 ~~combination thereof, whether the origin of the directive is~~
17 ~~administrative or discretionary in nature, as opposed to express~~
18 ~~language contained in a statute or regulation; the average~~
19 ~~annual cost of each directive to a local government unit; the~~
20 ~~amount of money provided by the Federal Government or the~~
21 ~~Commonwealth to implement each directive; and whenever possible~~
22 ~~identify reasons for discrepancies between funding levels and~~
23 ~~actual costs; and be it further~~

24 RESOLVED, THAT THE TASK FORCE BE COMPRISED OF FOUR MEMBERS OF
25 THE SENATE, TWO SHALL BE MEMBERS OF THE LOCAL GOVERNMENT
26 COMMISSION, ONE FROM THE MAJORITY CAUCUS AND ONE FROM THE
27 MINORITY CAUCUS APPOINTED BY THE CHAIRMAN OF THE COMMISSION AND
28 TWO ADDITIONAL SENATORS, ONE APPOINTED BY THE MAJORITY LEADER
29 AND ONE APPOINTED BY THE MINORITY LEADER, A HOUSE MEMBER OF THE
30 LOCAL GOVERNMENT COMMISSION FROM EACH PARTY APPOINTED BY THE



1 CHAIRMAN OF THE COMMISSION, AN EXPERT FAMILIAR WITH THE FUNDING
2 AND OPERATIONS OF PROGRAMS IMPLEMENTED BY COUNTIES AND OTHER
3 MUNICIPALITIES, A REPRESENTATIVE FROM THE COUNTY COMMISSIONERS
4 ASSOCIATION OF PENNSYLVANIA, THE PENNSYLVANIA STATE ASSOCIATION
5 OF BOROUGHES, THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
6 SUPERVISORS AND THE PENNSYLVANIA LEAGUE OF CITIES, AS WELL AS
7 SUCH ACADEMICIANS, ECONOMISTS, PROGRAM DIRECTORS, FINANCE
8 OFFICERS OR OTHER ADMINISTRATORS FROM BOTH STATE AND LOCAL
9 GOVERNMENT AS THE TASK FORCE DEEMS APPROPRIATE; AND BE IT
10 FURTHER

11 RESOLVED, THAT THE TASK FORCE COMPILE A COMPREHENSIVE LIST
12 DESCRIBING EACH STATUTORY MANDATE PLACED UPON LOCAL GOVERNMENTS
13 WHETHER VOLUNTARY OR MANDATORY, AND FURTHER INDICATE IN ITS
14 STUDY, WHETHER THE STATUTORY MANDATE IS FEDERAL OR STATE IN
15 ORIGIN OR A COMBINATION THEREOF, WHETHER THE ORIGIN OF THE
16 STATUTORY MANDATE IS REQUIRED OR DISCRETIONARY IN NATURE; THE
17 AVERAGE ANNUAL COST OF EACH STATUTORY MANDATE TO A COUNTY OR
18 OTHER TYPE OF MUNICIPALITY, IF DETERMINABLE; AND THE AMOUNT OF
19 MONEY PROVIDED BY THE FEDERAL GOVERNMENT OR THE COMMONWEALTH TO
20 IMPLEMENT EACH STATUTORY MANDATE; AND BE IT FURTHER

21 RESOLVED, That the task force make findings with regard to
22 the potential for cost savings that could be achieved through
23 partial waivers or elimination of certain mandates, as well as
24 make findings and recommendations with regard to alternative
25 procedures which could provide ~~local governments~~ COUNTIES AND ←
26 OTHER MUNICIPALITIES with a mechanism for mandate waivers should
27 the General Assembly determine to provide for legislation to
28 establish such a procedure; and be it further

29 ~~RESOLVED, That the Joint State Government Commission provide~~ ←
30 ~~a report on the foregoing to the members of the Senate no later~~

1 ~~than one year from the date that this resolution is adopted.~~

2 RESOLVED, THAT IT IS THE INTENT OF THE SENATE, BY THIS ←
3 RESOLUTION, THAT STATE AGENCIES AND OFFICES, INCLUDING
4 DEPARTMENT OF PUBLIC WELFARE, DEPARTMENT OF CORRECTIONS,
5 DEPARTMENT OF AGING, DEPARTMENT OF LABOR AND INDUSTRY,
6 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DEPARTMENT OF
7 ENVIRONMENTAL PROTECTION, DEPARTMENT OF HEALTH AND THE
8 GOVERNOR'S OFFICE OF THE BUDGET COOPERATE WITH THE LOCAL
9 GOVERNMENT COMMISSION DURING THE COURSE OF ITS STUDY OF
10 MANDATES; AND BE IT FURTHER

11 RESOLVED, THAT THE LOCAL GOVERNMENT COMMISSION PROVIDE A COPY
12 OF A REPORT ON THE FOREGOING TO THE SENATE AND ALL MEMBERS OF
13 THE LOCAL GOVERNMENT COMMISSION NO LATER THAN OCTOBER 15, 2012.