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COMMITTEES

JUDICIARY, CHAIRMAN
MAJORITY POLICY COMMITTEE

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

AGENDA

HOUSE JUDICIARY COMMITTEE PUBLIC HEARING
August 24, 1992
1:00 P.M. Majority Caucus Room

DISTRICT JUSTICE REIMBURSEMENT
& COURT OPERATING COSTS

Pennsylvania State Association of County Commissioners

Andrew Warren, President
Bucks County

Frank Mascara, Former President
Washington County

Sally Klein, Executive Committee
Dauphin County

Gary Ebersole
Bedford County

Douglas Hill, Executive Director

Dauphin County Court Administrator, John Minnich

Bucks County Court Administrator, H. Paul Kester

Special Court Judges Association of Pennsylvania
James G. Morgan, Jr., Esq.
Solicitor



17 N. FRONT STREET

HARRISBURG, PA 17102

(717) 232-7554

July 3, 1992

Number 14

LEGISLATIVE BULLETIN

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The budget sent to the Governor was the version passed by the Senate earlier in June (See the May 22 and June 5 editions of the Bulletin). The House decided simply to enact the Senate version when it became apparent that the slow progress of negotiations on the budget and related matters would prevent the Legislature meeting the June 30 deadline. Although all legislative caucuses agreed that the original Senate version was inadequate, and that it would be the likely target of gubernatorial line item vetoes besides, it was nonetheless sent to the Governor with the expectation that inadequacies would be addressed by supplemental appropriations during the course of the year.

Although Governor Casey agreed to the strategy of passing the Senate version, he clearly needs to get the Legislature to deal with supplemental appropriations in the fall. His comments upon signing called for action on a supplemental by mid-October, largely to address his concerns with the Senate version's cuts in funding to Commonwealth administrative agencies. The Senate version, designed more as a bargaining tool than a state budget, had cut most administration lines by 3 to 5% to keep the Administration at the bargaining table.

At the same time, the Governor has an interest in accomplishing other legislative objectives which fell by the wayside with the failure of budget negotiations, including workers compensation, child health care, PACE program changes, and welfare reform. Without the budget deadline as leverage, the Governor once again used his line item veto authority to push other interests to press the Legislature to return to session and do a "real" budget.

The Governor used the line item veto to cut more than \$70 million in funds in a number of areas affecting multiple interests. His target: the county judicial system.

By now, media reports have conveyed the message that

... court cost reimbursement and all of the district justice reimbursement from the budget, reduction of more than \$35 million and more than half of the overall cuts. The deletion of DJ funds was no real surprise; the Administration has consistently opposed the reimbursement, which has survived the last several years only on the strength of legislative insistence.

The complete veto of court costs was a surprise, however. It had been anticipated that the Governor would reduce the line by about \$1.8 million, bringing the Legislature's \$67,600 per position down to the \$53,800 per position level he had originally proposed. After the cut, Budget Secretary Mike Hershock told the Association that it had more to do with their ability to retain control of the funds while a real budget is negotiated, than with any Administration opposition to the program. Specifically, he indicated that the Administration was willing to reinstate the court costs "as a part of a negotiated settlement of the budget".

Secretary Hershock's comments do not mean that the Administration will propose restoration of the court costs, however. They are not included in the \$61 million in supplemental appropriations he has requested, so court costs will be restored only if counties insist that the Legislature include them in a supplemental appropriation. This is, in fact, the Governor's strategy; as he has done in the past, line item vetoes are being used to get specific interest groups to press the Legislature to return to budget negotiations.

Between the lines that were missing or underfunded in the version passed by the Legislature, and the lines that were cut by gubernatorial veto, the Association is preparing a full list of supplemental appropriation requests that will top our legislative priorities when the General Assembly returns to session in September. The list will be sent to the membership and the legislative leadership in the next few weeks.

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Drug and Alcohol - The budget represents a 3% cut from 1991-92, contrary to the Gover-

nor's proposal had intended to substitute state funding for anticipated reductions in federal funding. Final federal numbers are not available, but there are some indications that the federal numbers may actually increase. In any event, the D&A line will be on the Association's supplemental appropriation request list.

County Health Departments - The budget adopted by the Legislature appropriated \$27 million for local health departments, the same as the Governor's request. The Governor, however, vetoed \$1.1 million of the line, reducing it to below the 1991-92 level. There was no indication of how the Commonwealth would meet its statutory reimbursement levels in the face of the veto, and a supplemental will probably be necessary.

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Children and Youth - The funds included in the budget are sufficient to meet the state's needs based budgeting obligation, and the overmatch settlement, although many counties continue to question their allocations. Unfortunately, the Senate version of the budget contained neither the \$600,000 in funding nor the necessary line item for CPS worker certification (see analysis of this issue in the June 19 edition of the Bulletin). The Legislature's omission of the line appears to be more technical than philosophical, and the funding and its separate line will be on the Association's supplemental list.

Coordination and Services for Persons with Disabilities - The HSDF is included in the budget, at the 1991-92 "reserve" level of \$34 million. Other programs, including Attendant Care, MA Transportation, and Homeless, did not fare so well, suffering a 3% cut by the Senate. These lines will be included in Association's supplemental request, and probably in the Governor's as well.

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Although the court cost line is by far the largest of the two, early action on the district justice line is most critical, since the DJ payment is made this December. Failure of the legislature to act this fall on a supplemental will mean county deficits and possible December payless paydays. The timing on the restoration of court cost reimbursement is less a cash flow issue and more of a budgeting issue; the payment is normally made in May, but action is needed in the fall so that counties can properly budget for next year.

Adult Probation - The approved budget is more than \$3 million over the Governor's original request. Counties had argued that, particularly given the new emphasis on community corrections, the Governor's proposal was inadequate. With recent improvements in county collection of the \$25 per month supervision fee, the state appropriation should be sufficient to meet county needs this year.

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Tourist Promotion - The Governor blue lined the \$200,000 increase appropriated for tourist promotion, returning the line to its 1991-92 level of \$7.2 million.

State funds for courts eliminated

By David Rompolski
Staff writer

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Governor Robert P. Casey, in signing the new \$14 billion state budget, made sweeping cuts which included the elimination of funds for county courts and district justices.

As a result of Casey's decision, Pennsylvania counties would lose \$35.5 million in state funding of local court costs, of which Northumberland County would lose \$208,000 in funding, according to Allen Cwalina, county controller.

Without state funding for Pennsylvania courts, it is feared taxpayers would have to make up for the loss through the assessment of higher property taxes, with Northumberland County being no exception.

"If Mr. Cwalina's numbers are correct, we are immediately thrown into a crisis as to where the funding will come from," said James Kelley, chairman of the Northumberland County commissioners. "We're going to have to find a source of income to pay for these cuts, whether it be raising property taxes or personal taxes."

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However, according to Joey Storaska, co-chairman of the committee appointed to study the need for a third judgeship, the need outweighs any costs which may be levied against the taxpayers.

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In response to Casey's decision to delete court funds statewide, Storaska said, "I would be astonished if you don't see the Pennsylvania Supreme Court and the Legislature jump up and down over this decision.

"Casey's decision won't just affect the third judge question in Northumberland County," Storaska said. "The whole state is going to suffer over this decision."

Northumberland County Judge Barry Feudale, who is also in favor of a third judgeship in order to relieve a crowded caseload, seem less worried over the proposed loss of judicial funding from the state and feels confident that the funds will be restored.

Feudale sees the widespread cuts in the court systems and education as bargaining chips to be used between the governor and the Legislature. Feudale referred to this process as "the gubernatorial-legislative two-step."

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State Rep. Robert E. Belfanti echoed Feudale's assessment of

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According to Belfanti, Pennsylvania House leaders recommended the Legislature return for a special session this summer, possibly in July or August, to discuss what they consider inadequacies in the budget.

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"Magisterial funds will be partially reinstated some time soon," Belfanti said.

Shamokin
News-Item
7-2-92

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County of Washington

FRANK R. MASCARA, CHAIRMAN
METRO PETROSKY, JR.
JOSEPH A. FORD
COUNTY COMMISSIONERS

COMMONWEALTH OF PENNSYLVANIA
COURTHOUSE SQUARE, ROOM 703
WASHINGTON, PA 15301

(412) 228-6894
BUDGET DEPARTMENT

TO: COMMISSIONER MASCARA
FROM: *RD* ROGER D. METCALFE
DATE: AUGUST 19, 1992
SUBJECT: DISTRICT JUSTICE ANALYSIS

The attached analysis for 1991 indicates a net cost of \$309,465 to the county for the fourteen District Justice Offices. This cost includes wages and benefits for all employees except the District Justices. All other direct costs involved in the operation of the offices have been included. The net gain to the state is \$861,936. This amount was determined by taking the total state collections for 1991 and reducing this amount by the state allocation of \$213,463, the District Justice salaries and estimated benefits.*

For comparative purposes, the 1990 amounts are as follows:

Net County costs	\$ <u>63,213</u>
Net State gain	\$ <u>685,349</u>

If, after reviewing this analysis, you have any questions, please give me a call.

* Benefits estimated at 25% of the D.J. salary.

1990 - 420

no indirect costs

100,000 + fine.
for 1992

DISTRICT JUSTICE ANALYSIS
1991

*Costs only get lines go to
we have State & local*

District Justice	Salary	# of Employees	County Costs	Additional Costs *	Total County Costs	County Revenue	State Reimb.	Net County Costs	State Costs **	State Revenue	Net State Costs	Local Revenue
Spence	38,000	5 FT	127,352	4,884	132,236	64,277	15,248	52,711	62,748	128,752	(66,004)	49,173
Anati	38,000	3 FT	83,289	423	83,712	38,904	15,248	29,560	62,748	113,498	(50,750)	112,668
Colaschi	38,000	1 PT, 1 FT	54,984	1,253	56,237	21,926	15,248	19,063	62,748	76,038	(13,290)	30,561
Mark	38,000	1 PT, 1 FT	50,711	229	50,940	15,686	15,248	20,006	62,748	33,316	29,432	16,074
Ellis	38,000	3 FT	77,514	680	78,194	30,671	15,248	32,275	62,748	102,831	(40,083)	60,602
Thompson	38,000	2 FT	49,973	546	50,519	28,255	15,247	7,017	62,747	179,970	(117,223)	16,364
Zeaman	36,513	1 PT, 1 FT	50,523	1,134	51,657	36,935	15,247	(525)	60,888	119,469	(58,581)	40,496
Pelkey	37,375	1 PT, 1 FT	50,118	285	50,403	10,232	15,247	24,924	61,965	33,043	28,922	21,258
Mavrich	38,000	3 FT	86,551	473	87,024	46,483	15,247	25,294	62,747	223,795	(161,048)	61,592
Pozonsky	38,000	1 PT, 2 FT	72,274	424	72,698	33,940	15,247	23,511	62,747	204,424	(141,677)	25,558
McGraw	38,000	1 PT, 1 FT	51,077	276	51,353	20,038	15,247	16,068	62,747	104,154	(41,407)	21,081
Lilley	38,000	1 PT, 1 FT	52,218	288	52,506	13,328	15,247	23,931	62,747	51,992	10,755	13,649
Teagarden	38,000	1 PT, 1 FT	50,788	284	51,072	13,932	15,247	21,893	62,747	63,151	(404)	5,194
Dutton	38,000	1 PT, 2 FT	68,967	519	69,486	40,502	15,247	13,737	62,747	303,325	(240,578)	5,259
	529,888	9 PT, 27 FT	926,339	+ 11,698	= 938,037	- 415,109	- 213,463	= 309,465	875,822	- 1,737,758	= (861,936)	479,529

included here

* Includes Workman's Compensation, Capital Costs.
** Salary & Benefits (25%) of D.J. plus reimbursement of 213,463.

Estimated

92 Co. COST 213,463
522,928

62359

+ 213,463
1075399
→ PROFIT
92 STATE

Original legislation enacted - MH/MR Act of 1966 - Section 505 (amended in 1976 and 1978) - County's liability for mental health forensic services - Liability is imposed on county of person's residence

Previous to 1976 or 1978, counties had to pay the prevailing state hospital rate; then rate for counties was set at \$120/day.

Section 505a - Person Under Conviction or Sentence
Financial Liability:

County - first \$120/day

State - costs in excess of \$120/day

Section 505b - Pre-Trial Detainees
Financial Liability:

County - full cost up to 90 days
(1991 rate was \$269/day)

State - costs beyond 90 days

<u>Year</u>	<u>Budgeted</u>	<u>Expended</u>
1983	\$ 50,000	\$ 81,766
1984	\$ 81,800	\$ 82,284
1985	\$165,000	\$ 97,080
1986	\$250,000	\$134,415
1987	\$250,000	\$199,863
1988	\$250,000	\$ 27,360
1989	\$250,000	\$245,544
1990	\$250,000	\$171,952
1991	\$150,000	\$ 49,620
1992	\$200,000	\$ -0-
TOTALS	\$1,896,800	\$1,089,884

In 1991, we did not pay all invoices, hoping that proposed legislation (S.B. 278) would be enacted which would transfer the responsibility of these costs from counties to the State. (Similar legislation had been proposed annually, back to 1983, and the Commissioners repeatedly sent letters to legislators urging enactment of such legislation to relieve counties of this burden.)

As of 4/30/91, the State reflected an outstanding balance of \$332,340. DPW was going to withhold 25% of this liability (\$83,085) from the four quarterly payments for Community Mental Services for FY91/92 for the Washington-Greene MH/MR Program (and take similar action in other counties in the Commonwealth). However, due to strong opposition from PSACC, DPW did not implement the withholding. We responded to DPW concerning the outstanding balance of \$332,340 and concurred with the charges except for approximately \$36,000 which we disputed.

As of 8/19/92, our outstanding balance is as follows:

	\$332,340 (outstanding balance)
	<u>\$ 74,160</u> (1992 charges)
	\$406,500 - TOTAL
(+)	<u>\$1,089,884</u>
	\$1,496,384 (Total charges to County since 1983)



County of Washington

FRANK R. MASCARA, CHAIRMAN
METRO PETROSKY, JR.
JOSEPH A. FORD
COUNTY COMMISSIONERS

COMMONWEALTH OF PENNSYLVANIA
COURTHOUSE SQUARE, ROOM 703
WASHINGTON, PA 15301

(412) 228-6894
BUDGET DEPARTMENT

TO: COMMISSIONER MASCARA
FROM: *RD* ROGER D. METCALFE
DATE: AUGUST 19, 1992
SUBJECT: DISTRICT JUSTICE ANALYSIS

The attached analysis for 1991 indicates a net cost of \$309,465 to the county for the fourteen District Justice Offices. This cost includes wages and benefits for all employees except the District Justices. All other direct costs involved in the operation of the offices have been included. The net gain to the state is \$861,936. This amount was determined by taking the total state collections for 1991 and reducing this amount by the state allocation of \$213,463, the District Justice salaries and estimated benefits.*

For comparative purposes, the 1990 amounts are as follows:

Net County costs	\$ <u>63,213</u>
Net State gain	\$ <u>685,349</u>

If, after reviewing this analysis, you have any questions, please give me a call.

* Benefits estimated at 25% of the D.J. salary.

1990 - 420

no indirect costs

100,000 + fine.
for 1992

DISTRICT JUSTICE ANALYSIS
1991

*Costs only get lines go to
we no fine state & local*

District Justice	Salary	# of Employees	County Costs	Additional Costs *	Total County Costs	County Revenue	State Reimb.	Net County Costs	State Costs **	State Revenue	Net State Costs	Local Revenue
Spence	38,000	5 FT	127,352	4,884	132,236	64,277	15,248	52,711	62,748	128,752	(66,004)	49,173
Anati	38,000	3 FT	83,289	423	83,712	38,904	15,248	29,560	62,748	113,498	(50,750)	112,668
Colaschi	38,000	1 PT, 1 FT	54,984	1,253	56,237	21,926	15,248	19,063	62,748	76,038	(13,290)	30,561
Mark	38,000	1 PT, 1 FT	50,711	229	50,940	15,686	15,248	20,006	62,748	33,316	29,432	16,074
Ellis	38,000	3 FT	77,514	680	78,194	30,671	15,248	32,275	62,748	102,831	(40,083)	60,602
Thompson	38,000	2 FT	49,973	546	50,519	28,255	15,247	7,017	62,747	179,970	(117,223)	16,364
Zeaman	36,513	1 PT, 1 FT	50,523	1,134	51,657	36,935	15,247	(525)	60,888	119,469	(58,581)	40,496
Pelkey	37,375	1 PT, 1 FT	50,118	285	50,403	10,232	15,247	24,924	61,965	33,043	28,922	21,258
Mavrich	38,000	3 FT	86,551	473	87,024	46,483	15,247	25,294	62,747	223,795	(161,048)	61,592
Pozonsky	38,000	1 PT, 2 FT	72,274	424	72,698	33,940	15,247	23,511	62,747	204,424	(141,677)	25,558
McGraw	38,000	1 PT, 1 FT	51,077	276	51,353	20,038	15,247	16,068	62,747	104,154	(41,407)	21,081
Lilley	38,000	1 PT, 1 FT	52,218	288	52,506	13,328	15,247	23,931	62,747	51,992	10,755	13,649
Teagarden	38,000	1 PT, 1 FT	50,788	284	51,072	13,932	15,247	21,893	62,747	63,151	(404)	5,194
Dutton	38,000	1 PT, 2 FT	68,967	519	69,486	40,502	15,247	13,737	62,747	303,325	(240,578)	5,259
	529,888	9 PT, 27 FT	926,339	+ 11,698	= 938,037	- 415,109	- 213,463	= 309,465	875,822	- 1,737,758	= (861,936)	479,529

included here

* Includes Workman's Compensation, Capital Costs.
** Salary & Benefits (25%) of D.J. plus reimbursement of 213,463.

Estimated

92 Co. COST 213,463
522,928

62359

+ 213463
1075399
→ PROFIT
92 STATE

Original legislation enacted - MH/MR Act of 1966 - Section 505 (amended in 1976 and 1978) - County's liability for mental health forensic services - Liability is imposed on county of person's residence

Previous to 1976 or 1978, counties had to pay the prevailing state hospital rate; then rate for counties was set at \$120/day.

Section 505a - Person Under Conviction or Sentence
Financial Liability:

County - first \$120/day

State - costs in excess of \$120/day

Section 505b - Pre-Trial Detainees
Financial Liability:

County - full cost up to 90 days
(1991 rate was \$269/day)

State - costs beyond 90 days

<u>Year</u>	<u>Budgeted</u>	<u>Expended</u>
1983	\$ 50,000	\$ 81,766
1984	\$ 81,800	\$ 82,284
1985	\$165,000	\$ 97,080
1986	\$250,000	\$134,415
1987	\$250,000	\$199,863
1988	\$250,000	\$ 27,360
1989	\$250,000	\$245,544
1990	\$250,000	\$171,952
1991	\$150,000	\$ 49,620
1992	\$200,000	\$ -0-
TOTALS	\$1,896,800	\$1,089,884

In 1991, we did not pay all invoices, hoping that proposed legislation (S.B. 278) would be enacted which would transfer the responsibility of these costs from counties to the State. (Similar legislation had been proposed annually, back to 1983, and the Commissioners repeatedly sent letters to legislators urging enactment of such legislation to relieve counties of this burden.)

As of 4/30/91, the State reflected an outstanding balance of \$332,340. DPW was going to withhold 25% of this liability (\$83,085) from the four quarterly payments for Community Mental Services for FY91/92 for the Washington-Greene MH/MR Program (and take similar action in other counties in the Commonwealth). However, due to strong opposition from PSACC, DPW did not implement the withholding. We responded to DPW concerning the outstanding balance of \$332,340 and concurred with the charges except for approximately \$36,000 which we disputed.

As of 8/19/92, our outstanding balance is as follows:

	\$332,340 (outstanding balance)
	<u>\$ 74,160</u> (1992 charges)
	\$406,500 - TOTAL
(+)	<u>\$1,089,884</u>
	\$1,496,384 (Total charges to County since 1983)