

Legislative Locator

The Legislative Locator is a Monthly Publication of The Pennsylvania Municipal League



November 2020

A Legislative Session in Review

November 30 marks the end of a very active and unique 2019-2020 legislative session. In March 2020, the spread of COVID-19 forced the General Assembly, The League and the Commonwealth's municipalities to work remotely, shifting the focus from day-to-day business to emergency provisions and public health. Despite these unforeseen hurdles, The League and its member municipalities continued to serve its members and constituents.

Throughout these two years, the General Assembly introduced more than 5,000 bills, of which The League tracked 1,150 bills affecting local governments. The League has also tracked more than 500 bills related to the COVID-19 pandemic. In addition to bill tracking, The League's Governmental Affairs staff advocated for issues important to our members, as well as opposing legislation that would preempt or decrease the efficiency of local government. Several key League priorities were signed into law or gained traction through the legislative process, while other detrimental legislative efforts were stalled.

Enacted Legislation Highlights

Act 96 of 2020, the First Class Township Code Rewrite, modernizes and recodifies the Code to reflect current practices and court rulings. Act 91 of 2020 addresses a significant number of fire and EMS recommendations from the SR 6 report. Act 79 of 2019 establishes a universal definition of blight, and Act 101 of 2020 creates a condemnation blight tool. Lastly, Act 15 of 2020 provides temporary authority for all local governments to meet remotely due to the pandemic.

Bills on the Move...

While these bills did not make it to the Governor's desk, they gained traction and greater attention in the General Assembly. Fireworks have become an increasing nuisance, and for this reason, The League has updated our consumer fireworks policy to advocate for repeal. The General Assembly introduced 11 bills addressing the issue of consumer fireworks, including two bills repealing the act entirely. Act 111 and police reform also became prevalent legislation this session, encompassing more than 25 police reform bills and two comprehensive Act 111 reform bills.

Local use of radar advanced the furthest in the legislative process to date, and municipal pension reform legislation was introduced to address Auditor General DePasquale's 2015 Municipal Pension Task Force Report. The League will continue to engage our members on these issues through our advocacy efforts in the next session.

Stalled Bills: Dead but Not Gone

House Bill 432 and House Bill 1400 regarding post-traumatic stress injury (PTSI) in first responders and deployment of small cell wireless infrastructure respectively, died with the end of session after failing to make any legislative traction. The League proactively opposed both bills due to unfunded mandates and local preemption provisions that would be detrimental to local governments. The League supports increasing the awareness of PTSI in first responders and deploying small cells across the Commonwealth and looks forward to continuing conversations next session to achieve those goals without impairing local governments.

Join The League's Legislative Committee

The Legislative Committee helps to set a plan of action and implement the goals of The League's legislative agenda. If you would like to be a member of the Committee in 2021, please reach out to Amy Sturges, Director of Governmental Affairs, at asturges@pml.org.

2020 Adopted Resolutions

The League is a member-driven organization relying on member municipalities to help develop policies that meet the present needs of local government. Our annual [resolutions process](#) provides every League member with the opportunity to participate in and shape The League's legislative agenda.

During The League's Municipal Leadership Summit, the voting delegates for the Resolutions Committee and Annual Business Meeting met for a final discussion and vote on the proposed 2020 Resolutions. All 14 resolutions were adopted unanimously, and the adopted resolutions will be integrated into the 2021 Policy Statement.

The adopted resolutions were proposed by Upper Darby Township and State College Borough, as well as The League's Board of Directors and Legislative Committee.

Please view and read The League's Adopted 2020 Resolutions [here](#).

2020-2021 Budget Finalized with Little Contention

The House and Senate finished up the legislative session on November 20th with the passage of the 2020-2021 budget. As you may recall, seven months of the budget remained unfinished as the General Assembly and the Administration waited to see what the Commonwealth's fiscal situation would be in the fall and if a federal stimulus package would send more money to states.

In the end, a plan agreed to by the Republican majority and the Administration was adopted and signed by the Governor on November 23. The spending plan is slightly less than last year totaling \$35.5 billion. Most of the budget deficit was filled with federal funds. One billion in coronavirus relief funds that had been held in reserve will be used to pay for public safety personnel costs within the State Police, the Department of Health and the Department of Corrections, and two billion will come from federal Medicaid dollars. The budget relies on one-time fund transfers

totaling \$500 million. The funds impacted include the Environmental Stewardship Fund and the Recycling Fund. Finally, the Department of Agriculture, the Department of Labor and Industry and the offices of the Auditor General and Attorney General also saw cuts.

Enacted Legislation

Act 86 of 2020

House Bill 885

Signed: October 29, 2020

Effective: December 28, 2020

[Act 86](#) amends the Public Works Contractors' Bond Law limiting the contracting body to only three financial security options, as well as requiring the contractor to obtain two financial securities based on the performance and cost of materials. Please find the full summary of this Act in the [October Locator](#).

Act 91 of 2020

House Bill 1673

Signed: October 29, 2020

Effective: Immediately

[Act 91](#) is omnibus legislation incorporating a number of priority bills that address the SR 6 recommendations regarding fire and EMS services. Please find the full summary of this Act in the [October Locator](#).

Act 93 of 2020

House Bill 1838

Signed: October 29, 2020

Effective: February 26, 2021

[Act 93](#) amends Title 35 (Health and Safety) requiring a portion of Emergency Medical Services Operating Funds (EMSOF) be allocated to specifically provide training to underserved rural areas. Additionally, the Act amends Title 75 (Vehicles) increasing the ticket surcharge and cost of participating in Accelerated Rehabilitative Disposition, in which the funds are deposited into the EMSOF. Please find the full summary of this Act in the [October Locator](#).

Act 96 of 2020

House Bill 2073

Signed: October 29, 2020

Effective: December 28, 2020

[Act 96](#) is a comprehensive rewrite of the First Class Township Code. This Act modernizes and recodifies the Code by updating archaic language, removing obsolete provisions, consolidating common subjects and incorporating language reflecting current case law and practices. Please find the executive summary [here](#) and view PSATC's PowerPoint [slides](#) or [PDF](#) summarizing the rewrite.

Act 97 of 2020

House Bill 2370

Signed: October 29, 2020

Effective: Immediately

[Act 97](#) amends Title 57 (Notaries Public) permitting a notary to certify that a tangible copy of an electronic record is a true and correct copy of the electronic record. A notary may perform a notarial act by communication technology for a remotely located individual if the notary has personal knowledge of the individual, has evidence of the individual from a witness or is able to reasonably identify the individual through two forms of identification. The performance of the notarial act is to be documented through an audio-visual recording.

The Department of State is responsible for promulgating regulations for remote notarial acts, and the Department must be notified before a notary performs an act remotely.

Act 98 of 2020

House Bill 2438

Signed: October 29, 2020

Effective: December 28, 2020

[Act 98](#) amends Title 68 (Real and Personal Property) further providing for broadband services in rural areas. The Act includes standards for using existing infrastructure and existing easements by electric cooperatives, their affiliates and other suppliers. Please find the full summary of this Act in the [October Locator](#).

Act 101 of 2020

Senate Bill 940

Signed: October 29, 2020

Effective: December 28, 2020

[Act 101](#) amends the Municipal Code and Ordinance Act allowing for condemnation orders to be issued against the actual property and requiring all purchasers of the property to be held accountable for bringing the property into compliance. The Act further provides a procedure for filing the condemnation order. Please find the full summary of this Act in the [October Locator](#).

Act 102 of 2020

Senate Bill 952

Signed: October 29, 2020

Effective: December 28, 2020

[Act 102](#) amends Title 51 (Military Affairs) providing hiring preference to qualified veterans seeking public employment. The Act provides new definitions to determine an individual's eligibility for receiving the hiring preference, as well as reporting requirements for the Office of Administration and the Department of Military Affairs. Please find the full summary of this Act in the [October Locator](#).

Act 106 of 2020

Senate Bill 1199

Signed: October 31, 2020

Effective: January 29, 2021

[Act 106](#) amends Title 75 (Vehicles) establishing the use of personal delivery devices (PDD) on state and local roads and sidewalks by authorized entities. The Department of Transportation has general and sole regulatory authority over PDDs and their operators. The Act also limits local regulation of the operation of PDDs. Please find the full summary of this Act in the [October Locator](#).

Act 107 of 2020**Senate Bill 30****Signed: November 3, 2020****Effective: Immediately**

[Act 107](#) creates a PA Housing Tax Credit Program modeled after the federal low-income housing tax credit. Housing developers may apply for tax credits, and in exchange, pledge to keep rents affordable for a specific number of years. The PA Housing Finance Agency is charged with establishing guidelines and procedures for the administration of the program. The Act does not authorize the allocation of tax credits. This will be addressed in legislation next session.

Act 108 of 2020**Senate Bill 94****Signed: November 3, 2020****Effective: Immediately**

[Act 108](#) amends the Workers' Compensation Act by clarifying the members of volunteer firefighter departments, fire companies and ambulance corps as eligible for workers' compensation. Please find the full summary of this Act in the [October Locator](#).

Act 112 of 2020**Senate Bill 1110****Signed: November 3, 2020****Effective: Immediately**

[Act 112](#) amends the Disease Prevention and Control Law of 1955, providing a definition for "aerosolized transmission" of a communicable disease. During a proclamation of a disaster emergency by the Governor that is based upon a communicable disease, the administrator of a health care facility or personal care home must promptly report any incidence of the communicable disease to the local department of health in the municipality where the patient resides, or to the PA Department of Health if required by regulation.

The Act provides an exception from confidentiality for the Department of Health and local departments to release, within 24 hours of notification of an aerosolized transmission, the address of a confirmed case of the communicable disease to the local 911 dispatch so that public safety personnel can be notified of the presence of the communicable disease if dispatched. The Department of Health may release additional information determined to be essential to protecting public health and safety and preventing the spread of communicable disease as outlined in the Act.

The confidentiality exception provision does not apply to cities or counties of the first class during the disaster proclamation issued by the Governor on March 6, 2020 or any subsequent renewals.

Act 114 of 2020**House Bill 2536****Signed: November 23, 2020****Effective: Immediately**

[Act 114](#) became a Fiscal Code bill as part of the budget process. The original language, authorizing emergency tax anticipation notes, was preserved. Local governments may obtain tax anticipation notes through December 2021 with a maturity date of the end of fiscal year 2022 in order to help manage cash flow during the current COVID-19 emergency.

Act 129 of 2020**House Bill 2233****Signed: November 25, 2020****Effective: Immediately**

[Act 129](#) amends Title 75 (Vehicles) allowing political subdivisions and volunteer services (i.e. fire, ambulance and rescue squads) to commingle their tax-exempt motor fuel in common storage tanks.

Each exempt entity, a political subdivision and/or volunteer service, may enter into a commingling agreement, and such an agreement includes provisions for purchase, delivery, use and safety. Each entity is responsible for their own recordkeeping of their use of the tax-exempt motor fuel. The storage tank needs to be located on the property of the political subdivision, and each exempt entity in the comingling agreement needs to separately contract with a distributor for purchase and delivery of fuel.

Act 132 of 2020**Senate Bill 835****Signed: November 25, 2020****Effective: Immediately**

[Act 132](#) creates the Unserved High-Speed Broadband Funding Program to be administered by the Commonwealth Financing Authority (CFA).

Non-government entities with the ability to build and operate high-speed broadband service infrastructure are eligible applicants for the program, and such entities need to use private capital to fund a minimum of 25 percent of the project. The CFA is responsible for establishing an annual application period between 90 and 150 days and making all applications received available for review on its website. The CFA shall award grants for projects based on a scoring system and criteria as outlined in the bill. The CFA may not award a grant to fund deployment of broadband infrastructure if the project results in an overbuild.

The Act appropriates \$5,000,000 to the CFA from the General Fund for the 2020-2021 fiscal year for the purposes of the program. It also provides for further standards and uses of the grant money. Lastly, the Act repeals sections 1804-E and 1805-E of the Tax Reform Code, Eliminating the Mobile Telecommunications Broadband Tax Credit Program.

Legislation Vetoed by the Governor

Second Amendment Rights During Emergency Declarations

[House Bill 1747](#) was vetoed by the Governor on November 25. The bill would have amended Title 18 (Crimes and Offenses) by removing the current prohibition of carrying a firearm in public during a state or municipal emergency proclamation. The bill would have also amended Title 35 (Health and Safety) by removing the gubernatorial authority to limit the sale, dispensing or transportation of firearms during a disaster emergency declaration.

Legislation on the Governor's Desk

Immunity from Liability

[House Bill 1737 \(PN 4625\)](#), introduced by Representative Austin Davis, would amend Title 42 (Judiciary) providing immunity from liability in several circumstances. This bill was amended significantly by the Senate. First, the legislation would add land banks to the list of economic development agencies immune from liability related to environmental hazards found on property purchased by such agencies for redevelopment. This was the original intent of the bill. Second, and added by the Senate, the legislation would provide immunity from liability to the agritourism industry in PA. And third, also added by the Senate, the legislation would provide immunity from COVID related lawsuits to a number of entities including schools, higher education, childcare facilities, PPE manufacturers, healthcare providers, businesses and government units. The entities listed would be immune if they, in good faith, followed CDC and state guidelines related to COVID-19. Intentional or reckless acts would not be immune.



NATIONAL LEAGUE OF CITIES UPDATE

Trending Topic: What Mayors Are Saying About City Budgets and Essential City Service

Local elected officials are uniquely positioned to help their communities manage the economic and health impact of COVID-19 and to address severe chronic inequities exposed by the pandemic. This blog is a continuation of a series dedicated to highlighting mayors' priorities to help guide and focus local responses to support residents' health and safety in the near term, and to position the city to improve equity and resiliency in the longer term.

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