

Legislative Locator

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



February 2022

Take Action Against Broad Local Preemption in Autonomous Vehicle Bill

In January, Senator Wayne Langerholc introduced [Senate Bill 965](#) allowing for the testing and deployment of highly automated vehicles (HAV). Unfortunately, this bill also includes a broad local government preemption provision that states "...A political subdivision may not adopt or enforce a policy, rule or ordinance that sets standards or otherwise burdens, prohibits, limits or regulates the operation of a highly automated vehicle." Senate Bill 965 quickly moved out of the Senate Transportation Committee and received First Consideration on the Senate Floor following its introduction.

While The League is not against improving our transportation and infrastructure through innovative ideas such as HAVs, we are opposed to local preemption. Please reach out to your Senator to express concern regarding the local preemption in the bill using the talking points below:

- the overly broad preemption provision will jeopardize local enforcement of autonomous vehicles with the general rules of the road applicable to all other vehicles;
- the provision will prohibit local governments from requiring notice of when HAVs will be tested within their borders and does not allow local governments to stipulate where testing would be safest;
- the preemption provision would prohibit local governments from managing future use of the public rights-of-way should equipment necessary for HAVs to operate need to be installed.

Please find your Senator's contact information [here](#).

The League's Spring District Meetings and Resolutions Process

As a member driven organization, it is important we hear from you to accurately represent your municipality's needs with the General Assembly.

Each spring, League members receive the opportunity to submit policy suggestions through resolutions, shaping The League's policy agenda. Simply propose a policy resolution during our

District Meetings on April 14. Resolutions adopted at the district level will go to the Annual Municipal Leadership Summit for consideration by the Resolutions Committee and full League membership. This is a very important process because it sets the future policy priorities and positions of The League.

View The League's [2021 adopted resolutions](#) as a sample to prepare for this year's Spring District Meetings in April. Please contact Amy Sturges, Deputy Executive Director – Advocacy, at asturges@pml.org if you have any questions.

ARPA Final Rule Webinar Recording

Last month, Dave Mitchell, Esq., Campbell Durrant P.C. presented an informative webinar on the American Rescue Plan Act (ARPA) Final Rule issued by the U.S. Department of the Treasury on January 6.

Overall, the webinar addressed the changes brought by the Final Rule, which is generally more flexible and permits a wider variety of uses than the prior Treasury guidance. A [recording of the webinar](#) and the [slide presentation](#) are now available and can be found on our [website](#) along with other pertinent ARPA information and resources.

Please reach out to [Amy Sturges](#), Deputy Executive Director – Advocacy, or [Kaitlin Errickson](#), Governmental Affairs Representative, with any questions.

Governor Wolf's 2022/2023 Budget Address

On February 8, Governor Wolf gave his eighth and final budget address proposing a \$43.7 billion budget before a joint session of the House and Senate. The 2022/2023 budget plan is 16.6 percent higher than the previously enacted budget of \$37.4 billion and does not include any tax increases.

Overall, the budget prioritizes education, health and human services and improving the state's recovery from the pandemic. The budget proposes a \$1.55 billion increase for basic education funding, including \$125 billion distributed through the fair funding formula and \$300 million to the 100 most underfunded school districts. Additionally, the budget proposal requests funds for several health-related items, including medical assistance for seniors, mental health and funding for assisted living and nursing homes. County and municipal health departments received an additional \$7.2 million under the proposal.

While some budget requests are reiterations from years before, such as increasing the minimum wage and reducing the corporate net income tax, there are new proposals as well. Governor Wolf announced a plan to utilize a one-time \$1.7 billion allocation of the state's American Rescue Plan Act (ARPA) funds to fast track the Commonwealth's recovery from the pandemic by providing funds, grants and property tax relief to support Pennsylvania's workers, businesses and healthcare providers.

Lastly, the budget contains several public safety measures of significance, including: \$35 million in grants to support community-led gun violence prevention; \$141 million increase for the State Police through the General Fund along with \$500 million from the Motor License Fund; and \$7.7 million to fund necessary technology to keep law enforcement officers safe.

The League encourages our members to visit the [Governor's Budget Webpage](#) for more information on these proposals.

Cosponsor Memos

Representative Louis Schmitt has announced intention to introduce legislation substantially updating the Right to Know Law, including language regarding commercial requesters, privacy and public safety clarifications and integrating recent court rulings among other changes.

Representative Jerry Knowles has announced intention to introduce legislation recognizing April 13, 2022 as Local Government Day and April 10-16, 2022 as Local Government Week in Pennsylvania.

Senator Michele Brooks has announced intention to introduce legislation appropriating \$3 million from the American Rescue Plan Act (ARPA) funds to cover the initial certification for Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT) and Paramedics.

Enacted Legislation

Act 10 of 2022

Senate Bill 739

Signed: February 10, 2022

Effective: April 11, 2022 and Immediately

Act 10 amends Title 35 (Health and Safety) regarding the Fire and Emergency Services Loan Program. On May 18, Pennsylvanian voters approved a ballot question permitting career fire and EMS companies to participate in the loan program, which has historically been limited to volunteer companies only. This Act implements the ballot question by redefining "fire company" as a volunteer non-profit chartered fire company or municipal-owned fire company or department. The Act names representatives of the Pennsylvania Professional Fire Fighters Association and Career Fire Chiefs Association, as well as the Secretaries of the Department of Community and Economic Development and Department of Conservation and Natural Resources, to the loan program's application review committee. This part of the Act will take effect on April 11, 2022.

Additionally, the Emergency Medical Services COVID-19 Recovery Grant Program is established under this Act to be administered by the Office of the State Fire Commissioner in consultation with the Department of Health. The program is appropriated \$25 million in federal funds from the COVID-19 Response Restricted Account, and EMS companies shall use the grants to provide services in response to the pandemic, including but not limited to replacing lost revenue, purchasing equipment and training members. The Act further outlines administrative standards and costs for the Office of the State Fire Commissioner, including a required annual report of the grant program. Lastly, the authority for the Office of the State Fire Commissioner to award grants under this Act will expire on June 30, 2022. This part of the Act will take effect immediately.

Act 12 of 2022

House Bill 764

Signed: February 17, 2022

Effective: Immediately

[Act 12](#) amends Title 23 (Domestic Relations) allowing an employer to hire an employee on a provisional basis not to exceed 45 days while background checks and clearances are obtained. A child day-care center, group day-care home or family child-care home may employ an applicant on a provisional basis for a single period not to exceed 45 days and is no longer required to receive a waiver from the Department of Human Services. Employees seeking provisional employment must meet standards specified in the Act. Lastly, an exception is provided for a child care institution, which is defined by federal law as a private or public child care institution receiving federal foster care assistance that accommodates no more than 25 children and is licensed by the state.

Vetoed Legislation

House Bill 979

Vetoed: February 3, 2022

[House Bill 979 \(PN 1706\)](#), introduced by Representative Matthew Dowling, would have amended Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) preempting local regulation of firearms. A municipality would have been prohibited from imposing firearm regulations in a more restrictive manner than state law. In addition to this preemptive language, a third party individual or member organization adversely affected by such an ordinance would have been able to seek relief. If the court ruled in favor of the third party individual or member organization, the municipality would have been responsible for paying their reasonable expenses, including but not limited to attorney fees, expert witness fees, court costs and compensation for loss of income. See the veto message [here](#).

Legislation of Interest

Sustainable Community Safe House Grant Program Act

[House Bill 2321 \(PN 2701\)](#), introduced by Representative Joseph Ciresi, would establish the Sustainable Community Safe House Grant Program Act allowing communities to have a safe location with renewable energy backup systems in case of a natural disaster.

The Public Utility Commission (PUC) would award grants to eligible political subdivisions under this program to create and maintain a safe location with renewable energy backup systems for the community. An eligible political subdivision would be defined as a county, city, borough, incorporated towns, township and any council of governments established by the municipalities listed in the definition. Grants would not exceed \$250,000 and \$100,000,000 would be appropriated to the program from the General Fund.

Within 20 days of receiving a grant application, the PUC must provide written notice approving or disapproving a political subdivision's application and determine the grant amount if approved. The PUC shall take a community's geographic and demographic diversity and how a community would be served if awarded the grant into account when considering a grant application. The PUC

would be required to provide all written notices to the Department of Community and Economic Development, and the PUC would also be required to develop a report of the grant program to be posted on their website.

This bill would have a sunset date of December 31, 2022.

Location: House Commerce Committee, February 3, 2022

Statewide Blighted Property Database

[House Bill 2329 \(PN 2723\)](#), introduced by Representative Mike Sturla, would amend Title 53 (Municipalities Generally) creating the Property Maintenance Code Violations Registry to be administered by the Department of Community and Economic Development (DCED) in order to track blighted, noncompliant properties and provide code and other violation information to municipalities processing permit applications.

This bill would require municipalities to electronically file a property maintenance code violation report with DCED on a property owner whose property has serious and unabated code violations for 180 days or more. In addition to submitting the report, municipalities would also be required to collect a \$500 surcharge for each municipal inspection that finds one or more code violations from the property owner whose property has been in violation of the code and has not attempted to remediate the violation after 90 days. Municipalities would remit the money to DCED on a quarterly basis to fund the registry and judicial training regarding deteriorated property.

Municipalities may request a free registry report when considering permit applications, which DCED would need to provide to the requesting municipality in five business days. A municipality would be required to inform the property owner of a permit denial if the denial is based completely or in part on the registry report's information. The property owner would have the right to appeal. A municipality would also be responsible for filing a report notifying DCED when a property is brought into code compliance.

Lastly, upon written request, the Attorney General may assist municipalities seeking code compliance from out of state property owners by writing the property owner a warning letter or by filing a court proceeding on the municipality's behalf.

Location: House Urban Affairs Committee, February 9, 2022

Optional Sales Tax or Property Tax Relief and Municipal Assistance Act

[House Bill 2330 \(PN 2724\)](#), introduced by Representative Mike Sturla, would create the Optional Sales Tax or Property Tax Relief and Municipal Assistance Act.

Under this bill, a board of county commissioners would have the authority to levy and assess a one percent sales tax by ordinance. A board could also pass a resolution providing for a voter referendum. A county implementing the tax by ordinance would need to provide its municipalities with at least 45-days written notice of the intent to impose the tax. The county would need to hold at least one public hearing regarding the implementation of the sales tax unless adopted through referendum.

The County Sales and Use Tax Fund would be established in the State Treasury Department where the tax revenue would be deposited into subaccounts for each participating county. The funds would be allocated based on the assessed value of the tax exempt properties of each municipality within a county's jurisdiction. Counties would be responsible for calculating the

assessed value of tax exempt property, which would then be certified by the Department of Community and Economic Development before funds are disbursed.

The tax revenue dedicated to counties must be used for core services. The tax revenue dedicated to municipalities must first be used to meet pension obligations, and secondly for core services. Core services would be defined as police, fire, public works, public health and welfare, housing and code enforcement services.

This bill would not apply to Philadelphia and Allegheny counties.

Location: House Local Government Committee, February 9, 2022

Regulating Landfill Locations

[House Bill 2338 \(PN 2736\)](#) and [House Bill 2339 \(PN 2737\)](#), introduced by Representative Timothy Bonner, is a bill package that would amend the Solid Waste Management Act. These bills would prohibit a land fill requiring government approval to open, reopen or expand operations from being located within three miles of the border of a municipality with at least 1,000 residents per square mile and within 2,500 feet from an occupied dwelling.

Location:

House Bill 2238: House Environmental Resources and Energy Committee, February 11, 2022

House Bill 2339: House Environmental Resources and Energy Committee, February 11, 2022

Bonding Requirements for Tax Collectors

[Senate Bill 1036 \(PN 1372\)](#), introduced by Senator Patrick Browne, would amend the Local Tax Collection Law regarding bonding requirements for tax collectors.

Currently, the Law requires tax collectors in second and first class townships, boroughs and towns to obtain bonds in an amount determined by the court not to exceed the estimated amount of annual duplicates. This bill would change the amount of the bond to an amount equal to the highest amount estimated to be available to the tax collector at any time during the current year. This bill would also add language prohibiting the denial of a bond based on litigation of any offenses except for those found in Section 4.5 of the Local Tax Collection Law regarding Criminal History Record Information.

Additionally, in lieu of a bond, this bill would allow the taxing district to purchase insurance to cover the same events of loss as a bond.

Representative Jack Rader has introduced a cosponsor memo announcing his intention to introduce House companion legislation to Senate Bill 1036.

Location: Senate Local Government, February 7, 2022

Coalition Against Bigger Trucks Sign-on Letter

In recent years, The League has worked with the Coalition Against Bigger Trucks (CABT) opposing any federal or state legislation that would allow bigger trucks, whether those are increases in the size of commercial trucks or total truck weight. The CABT is currently spearheading a [sign-on letter](#) to our PA state legislators, asking that they oppose legislation that would increase truck size or weight.

As we all know from the catastrophic bridge collapse in Pittsburgh on January 28th, the state of our infrastructure is in peril throughout the Commonwealth. We have the third largest number of state-owned bridges in the country, with over half over 50 years old. Over 3,300 of these bridges have been determined to be in “poor condition”, the same rating assigned to the Fern Hollow Bridge in Pittsburgh.

We also know that bigger trucks will increase the hazard to motorists on the road. In the USDOT’s 2016 truck size and weight study, they concluded in limited state testing that heavier trucks had higher crash involvement rates ranging anywhere from 44 to 400% higher.

Having our members add their names to this letter and using this as a tool to show opposition to bigger truck legislation in Harrisburg is critical to making sure legislators are fully educated on this issue and understand the very real and negative impacts on local infrastructure and safety.

We hope that you will join us with our partners at CABT in signing this letter to state legislators. Simply e-mail Josh Collins at jcollins@cabt.org using the subject line “Add My Name” to sign-on.



NATIONAL LEAGUE OF CITIES UPDATE

The Changing Landscape of Preemption

Over the course of the pandemic, state preemption of local governmental authority has taken hold in legislatures across the U.S. These limitations have been particularly salient as local governments navigate their response and recovery to the COVID-19 pandemic. To better understand preemption changes and their impacts on local policies, NLC, in partnership with the Policy Surveillance Program (PSP) of Temple University’s Center for Public Health Law Research, tracked and analyzed proposed preemption bills and passed laws. These bills and laws fall into 12 policy areas that impact the social determinants of health, including firearms, rent control, paid leave, municipal broadband, inclusionary zoning, Ban the Box and six common tax and expenditure limits (TEs).

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2022

House:

March 21-23, 28-30
April 11-13, 25-27
May 23-25

Senate:

March 28-30
April 4-6, 11-13
May 23-25