

Legislative Locator

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



May 2020

TAKE ACTION

Local Government Advertising Flexibility

Representative Jason Ortitay and Senator John DiSanto have introduced a proposal that would allow local governments greater flexibility to reach and inform their constituents by providing a larger menu of outlets to publish advertisements, including electronically or in a printed format.

This legislative fix would significantly increase the number of constituents your municipalities could reach, and as a result, more community members can be included in their government's decision making process. Additionally, local governments have the opportunity to save money by posting advertisements electronically, such as on their municipal website.

Please take action and contact your State Representative and Senator to support this proposal and sign on as a cosponsor. The more co-sponsors the better!

We have provided a [template email](#) to send to your General Assembly members.

COSPONSOR MEMOS

Local Enforcement of Public Health Concerns

Senator Andrew Dinniman has announced intention to introduce legislation to allow counties and municipalities with local health care departments the option of enforcing public health concerns in long-term nursing homes.

Prohibiting the Ban of Single-Use Containers

Representative Johnathan Hershey has announced intention to introduce legislation prohibiting local governments from banning single-use containers, such as plastic bags and cups.

ENACTED LEGISLATION

Act 17 of 2020**House Bill 1869****Signed: April 29, 2020****Effective: April 29, 2020**

This act amends Title 35 (Health and Safety), providing authorization for the Department of Health (DOH) to grant Basic Life Support Ambulance (BLS) staffing waivers. DOH would permit an EMS agency to file for a waiver from staffing requirements for extraordinary reasons as determined by the department on a case by case basis and in the best interest of the EMS system and patient care. Waivers expire in three years.

The act also requires municipal employers to automatically grant a paid leave benefit to police and fire personnel if they contract COVID-19 or have to be quarantined. The normal Heart and Lung Act requirement for an employee to prove the injury was caused in the performance of his duties is waived. The act limits this paid leave benefit to 60 days.

Act 18 of 2020**House Bill 360****Signed: May 8, 2020****Effective: May 8, 2020**

This act is an interim measure related to childcare background check delays caused by COVID-19. Act 18 suspends portions of Act 47 of 2019, which amended the Child Protective Services Law reducing the availability of provisional hiring waivers to only licensed child day cares, group day care homes or family childcare homes. Act 18 extends the waivers to all employers and allows provisional hiring through December 31, 2020 or until 60 days after the expiration of the Governor's disaster emergency declaration, whichever would come first. Therefore, municipalities are able to hire seasonal employees prior to completion of all background checks if the individual meets specific conditions stated in the act. This act also addresses provisions for individuals seeking recertification of their background checks. Finally, legislation is being introduced to address the provisional hiring limitations beyond December 31 and the current emergency declaration.

LEGISLATION OF INTEREST

Code Official Apprenticeship Certification

[House Bill 422 \(PN 1088\)](#), introduced by Representative Sheryl Delozier, would amend the PA Construction Code Act regarding the training of inspectors.

The Department of Labor and Industry would be able to establish separate trainee classifications for each certification category, and the training would be optional for all individuals seeking certification as a code official. An individual seeking certification would be required to secure the sponsorship of an individual certified in each category for which the trainee seeks certification, and each sponsor would need to be verified by an affidavit.

A trainee classification would be non-renewable and limited to a two-year period for residential and accessibility certification categories and a three-year period for all other certification categories. Trainee inspectors would be able to learn under the direct supervision of their certified sponsor. The trainee would only be able to conduct inspections if accompanied by an individual certified in the category of the work that is the subject of the training.

Location: *Second Consideration in the Senate, March 25, 2020*

Keystone Recreation, Park and Conservation Fund

House Bill 2004 (PN 3714), introduced by Jason Ortitay, would amend the Keystone Recreation, Park and Conservation Fund Act.

The bill would update the definition of “agency” to reflect the correct names of the state agencies receiving funds under this Act.

This bill would change the characterization of the Fund from a restricted receipt account to a special account. It would also repeal the Fund’s allocation schedule and instead allow the General Assembly to determine allocations to the various grant programs. The bill would not substantially change the allowed uses of grant money received.

Location: *First Consideration in the House, May 5, 2020*

Public-Private Transportation Partnerships

House Bill 2065 (PN 3663), introduced by Representative Martina White, would amend Chapter 91 of Title 74 (Transportation) to increase reporting requirements and provide additional transportation-related services for Public-Private Transportation Partnerships (P3).

A P3 project is a contractual agreement between public and private entities in which the public entity transfers the responsibility for engineering, construction, operation, financing and/or maintenance of a transportation project or facility to the private sector for a defined period of time in return for cost-saving services, risk-sharing protections, accelerated project delivery and profit sharing.

The definition of “public entity” would be amended to include a municipality. This bill would expand the services under a P3 agreement to also include truck parking, weigh station bypassing, electronic toll payment and snow and ice removal for commercial vehicles.

Additionally, this bill would specify the components that must be included in the P3 Transportation Board’s annual report to the General Assembly, and these specific components would include: a description of all transportation projects evaluated and resolutions adopted; a description of all transportation projects denied and reasons for the denial; a description of all unsolicited plans for transportation projects submitted by private entities and the status of the board’s evaluation of the unsolicited plans; and a description of all requests for transportation projects submitted by public entities and the status of the board’s evaluation of the requests.

Location: *Senate Transportation Committee, May 7, 2020*

Provisional Hiring Standards

House Bill 2503 (PN 3732), introduced by Representative Brett Miller, would amend 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 would be able to employ an applicant on a provisional basis for a single period not to exceed 45 days only if, upon request, the Department of Human Services would grant a waiver. Employees seeking provisional employment would have to meet standards specified in the bill.

Location: *First Consideration in the House, May 27, 2020*

Amusement/Admissions Tax Prohibition

[House Bill 2519](#) (PN 3761), introduced by Representative Barbara Gleim, would prohibit any school district or municipality in the Commonwealth from levying, assessing or collecting an Amusement or Admissions Tax under the Local Tax Enabling Act for two calendar years. This bill was passed over in the House Finance Committee.

Location: House Finance Committee, May 14, 2020

Separations Act Modernization

[Senate Bill 823](#) (PN 1134), introduced by Senator John DiSanto, would amend the Separations Act.

This bill would repeal the definition of a “design/build contract” and replace it with a more flexible option through a “project delivery method.” The definition of “project delivery method” provides four different procurement options, allowing the procurer to decide which method would work best for their project. These would include a construction management at-risk method, design-bid build with multiple prime contractors method, design-bid build with a single prime contractor method and a design-build method, all of which are defined in the bill.

The bill would allow a government agency or state related institution to utilize a project delivery method for the procurement of construction services for the design, erection, construction and alteration of a public building if the total cost exceeds \$4,000.

Location: Senate Labor and Industry Committee, August 15, 2019

County Fee for Demolition Program

[Senate Bill 1045](#) (PN 1550), introduced by Senator Argall, would amend Act 152 of 2016. Act 152 allows counties to enact a fee, up to \$15 per deed and mortgage, through the Recorder of Deeds Office for a demolition program. Act 152 also placed a ten-year time limit on a county’s ability to collect the fee. This bill would remove the ten-year time limit to provide counties the ongoing ability to collect the fee.

Location: Senate Urban Affairs and Housing Committee, February 20, 2020

Reporting of Communicable Disease Diagnoses During a Disaster Emergency

[Senate Bill 1110](#) (PN 1702), introduced by Senator Kim Ward, would amend the Disease Prevention and Control Law of 1955, requiring the reporting of those infected by a communicable disease and providing for confidentiality standards.

During emergency declarations and when the total number of cases in the state exceeds 100, local Departments of Health or the PA Department of Health would be required to provide the residential address of any individual confirmed to have a communicable disease within 24 hours of diagnosis to 911 centers, medical examiners, law enforcement officers, fire department personnel, coroners and EMS personnel.

The confidential information would only be used for the purpose of delivering or assisting in the delivery of emergency notification services, death investigation services and emergency support services. Any person who receives this confidential information would be required to follow all

federal and state laws, regulations and confidentiality standards. Public safety personnel and municipalities would be able to retain this information for 45 days.

Lastly, the Department of Health, in conjunction with requests from the General Assembly, would be required to disclose certain information that could be beneficial to the public in prevention of the communicable disease.

Location: First Consideration in the House, May 18, 2020

Attention Municipalities Served by Pennsylvania American Water

Municipalities that are concerned with Pennsylvania American Water's proposal to increase rates for 2021 are banded together to voice their concerns to the PUC and other agencies. If your municipality is interested in being part of this effort, please contact Nancy Freenock, City Manager, City of Warren. Her email is nfreenock@cityofwarrenpa.gov.



NATIONAL LEAGUE OF CITIES UPDATE

TAKE ACTION: Cities are Essential Campaign

The League is partnering with the National League of Cities for a campaign advocating for legislation to support our essential cities, boroughs, towns and townships. Without the financial recovery of our local governments, our country will not be able to fully recover from the impacts of the COVID-19 epidemic.

The League is actively engaged in this campaign advocating for direct federal funding to all local governments, and you should be too. It is more important now than ever to take action and write to Senator Toomey and Senator Casey to ask for their support for direct federal funding to all local governments.

To learn more about this vital issue, please [visit our website](#) to access talking points, a template letter, one pagers and other key statistics.

Please [take action now](#) via the National League of Cities Campaign and make your voice heard.

TAKE ACTION NOW

HOUSE AND SENATE SESSION DAYS 2020

Senate:

June 1-3, 8-10, 15-17, 22-26, 29-30

House:

June 8-10, 15-17, 22-26, 29-30

September 15-17, 29-30

October 1, 5-7, 19-21

**reminder - session dates are subject to change*



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Pennsylvania Municipal League

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