



Legislative Locator

A Monthly Publication of The Pennsylvania Municipal League

September 2019

TAKE ACTION!

House Bill 432 - Post-Traumatic Stress Injury in First Responders

House Bill 432 was amended and voted out of Committee on September 24. The purpose of the bill is to make it easier for first responders (police officers, paid and volunteer fire fighters, volunteer ambulance and EMS personnel, state police, corrections officers, telecommunicators) to be awarded claims under Workers' Compensation for post-traumatic stress injury (PTSI). Case law has developed in this area that sets a high burden of proof for *any employee* making a PTSI claim.

Since the bill's introduction, we have provided written testimony expressing our concerns with the cost, as well as the decision to add this to the Workers' Compensation Law. We have also provided several sets of comments and amendment language to narrow the scope of the bill so that a fair and affordable benefit is available for legitimate claims. Admittedly, the bill that was voted out of committee, is better than the original bill – which gave a presumption to first responders that a diagnosis of PTSI was caused by their work as a first responder.

We believe there is a duty to assist the first responder community with managing stress and preventing stress related illness. The bill, in its current amended form, however, is still very broad. In fact, we have argued that it is uninsurable; **and at this time, no cost estimate or actuarial analysis has been completed to understand the cost of the benefit.** We believe specific traumatic events need to be included to put parameters around the cause of PTSI.

As a Take Action, we recommend that you contact your House member to express concern with the potential cost. Our plan is to continue to work toward a better bill as it comes before the full House.

[Click here to read our letter](#) to the House Veterans Affairs and Emergency Preparedness Committee. See our summary below under legislation of interest.





COSPONSOR MEMOS TO WATCH

Arrest Powers of School Police Officers

Representative Rob Kauffman issued a co-sponsorship memo as intent to introduce a bill to restore arrest authority to school police officers who are public employees while retaining the Senate's intention that private third-party vendors should not have that same arrest authority per Act 67 of 2019.

Right-to-Know Law and Police Video

Representative Daniel Miller has issued a co-sponsorship memo as intent to introduce legislation that will return non-police body camera video to the purview of the Right-to-Know Law as well as make other changes to the request process for police video.

Burdensome Right-to-Know Requests

Representative Jesse Topper has issued a co-sponsorship memo as intent to introduce legislation authorizing a local agency to petition the Office of Open Records for relief from a requester who is believed to be making burdensome, vexatious requests.

LEGISLATION OF INTEREST

Consumer Fireworks Hearing

This month, The League testified before the House Agriculture and Rural Affairs Committee regarding House Bill 1687 and amendments that need to be made to the 2017 law that expanded sale and use of consumer fireworks resulting in both an unfunded mandate and a pre-emption of local government authority.

The League's testimony was prepared in concert with policy that was adopted at our 2018 Summit. We argued for the ability to set local regulations that are stricter than state law, including the ability to opt out of the law and prohibit consumer fireworks altogether. We also argued for greater penalties that will be a deterrent to violating the law. [Click here to read our testimony.](#)

Post-traumatic Stress Injury in First Responders

House Bill 432 (PN 2568), introduced by Representative Barrar, amends the Workers' Compensation Law. The bill defines post-traumatic stress injury (PTSI) and the employees covered. Substantial competent evidence that the injury was caused by direct exposure to a normal or abnormal working condition and was received in the course of employment is required.

LEGISLATION OF INTEREST

The injury shall be based on an examination and diagnosis by a psychologist or psychiatrist duly licensed under the laws of the Commonwealth. PTSI suffered as the result of an employment action shall not be compensable unless it can be established by substantial competent evidence that the underlying cause of the employment action is directly attributable to the injury. The amended law, if enacted, would apply to subsequent claims, not ones already filed and would be effective one year after enactment.

Location: *Received First Consideration, September 24, 2019*

Training Reimbursement for Newly Elected Municipal Officials

House Bills 1750 and 1751, introduced by Representative Wendi Thomas, amend Title 8 (Boroughs and Towns); Title 11 (Third Class Cities); and Title 53 (First Class Township Code) authorizing local governing bodies to reimburse newly elected officials who have not yet officially taken office for attending municipal official training.

Location: *House Local Government Committee, August 16, 2019*

Senate Bill 316, introduced by Senator John Gordner, amends the Second Class Township Code in the same manner.

Location: *Passed Senate; House Local Government Committee, May 2, 2019*

Public Meeting Agendas

House Bill 1069 (PN 2529), introduced by Representative Bernstine, amends Title 65 (Public Officers) regarding public meeting agendas. The bill requires agencies, including local governments, to post their meeting agendas 24 hours in advance if they have a publicly accessible website. Agendas must include each matter of business that will or may be a subject of deliberation or official action at a meeting. Copies of the posted agenda must also be available to attendees at the meeting, as well as posted at the meeting location and at the principal office of the agency.

The bill limits consideration of matters not on the posted agenda to the following instances:

- Matters of emergency business relating to a clear and present danger to life or property.
- Matters arising within the 24-hour period prior to a meeting that are *de minimis* in nature and not involving the expenditure of funds or entering into a contract.
- Matters brought by a resident or taxpayer that may be referred to staff for research and inclusion on a future agenda, or matters *de minimis* in nature that do not involve the expenditure of funds or entering into a contract.
- Instances where an agency adds a matter of agency business to the agenda by majority vote. Provided the reasons for the changes are announced at the meeting before any vote is conducted and the amended agenda is posted on the agency's website and at the agency's principal office no later than the first business day following the meeting in which the agenda was changed.

Location: *House Appropriations Committee, September 19, 2019*

LEGISLATION OF INTEREST

Local Government Capital Loan Project Fund

House Bill 1822 (PN 2484), introduced by Representative Mark Keller, amends the Local Government Capital Loan Project Fund in the following ways:

- Increases the population threshold for participation from 12,000 to 15,000;
- Increases the equipment loan amount from \$50,000 to \$150,000;
- Increases the facilities loan amount from \$100,000 to \$250,000;
- Increases the possible loan term from 10 to 15 years;
- Changes the loan interest rate from 2% to the 10-year U.S. Treasury rate rounded to the nearest quarter point. The loan rate shall match the interest rate in effect at the time a completed application is submitted to DCED and shall be fixed for the term of the loan.

Location: *Received First Consideration in the House, September 23, 2019*

Law Enforcement Officers' Bill of Rights

House Bill 1414 (PN 2434), introduced by Representative Jim Cox, establishes the Law Enforcement Officers' Bill of Rights Act. The bill does the following:

- Sets forth minimum standards to be followed when an officer is under interrogation;
- Allows an officer to bring a civil suit against a person or municipality for damages suffered or for the abridgment of civil rights when a complaint is found to be without merit;
- Prohibits dismissal, demotion, transfer, reassignment or other personnel action which may result in loss of pay or benefits or which is punitive unless the officer is notified of the action and provided with the reasons for the action;
- Provides a process for adverse comments to be placed in an officer's personnel record;
- Provides a process for administration of a polygraph to an officer;
- Prohibits punitive measures against an officer for exercising their constitutional rights;
- Prohibits requiring an officer to disclose personal information unless the information is obtained under proper legal procedure; and
- Prohibits locker searches without the officer being present and consenting or without a valid search warrant.

Location: *House Judiciary Committee, September 12, 2019*

House and Senate Session Days:

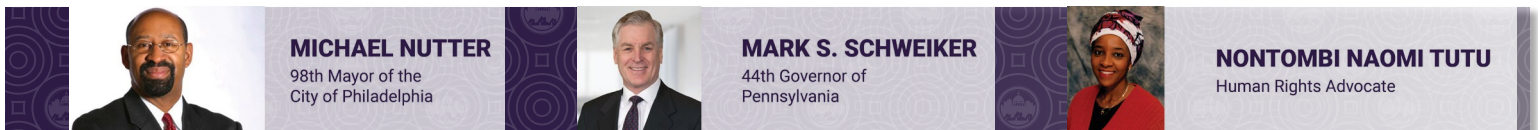
Senate: October: 21, 22, 23, 28, 29, 30
November: 18, 19, 20
December: 16, 17, 18

House: October: 21, 22, 23, 28, 29, 30
November: 12, 13, 14, 18, 19, 20
December: 9, 10, 11, 16, 17, 18

Session dates are subject to change.



Keynote Speakers:





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REGIONAL INNOVATION DAY

November 14, 2019

PA Farm Show Complex, Harrisburg



Who is Invited?

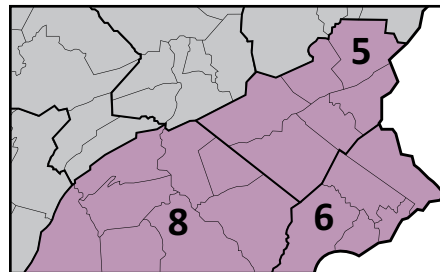
Local government representatives from PennDOT Districts 5, 6, and 8 (see map at right), along with PennDOT employees in those same districts, are invited to learn about innovations that can be implemented in communities across Pennsylvania.

What to Expect?

Presentations by subject matter experts from PennDOT and local governments focusing on innovative approaches in:

- *Roadway and bridge design, construction, and maintenance.*
- *Safety and traffic operations.*
- *Transportation sustainability.*

Also, visit an Innovations Fair, featuring exhibits about equipment, materials, applications, and technologies to help you do your job safer, better, faster and more cost effectively.





What Cities Are Asking Congress to Accomplish This Fall

Congress is back in session and local leaders are looking to Washington for action, partnership and progress. For cities, towns and villages, this fall is about empowering our communities and pushing forward “must pass” bills before the federal legislative process slows during the election cycle. Here are five things we hope Congress will accomplish before the end of the year:

First things first, we need to prevent a federal government shutdown!

America’s cities, towns and villages cannot afford another government shutdown. The federal government must prevent a shutdown by passing the 12 annual spending bills by September 30. The continued failure to pass spending bills on time makes it more difficult for local leaders to plan our budgets and for communities to rebuild infrastructure, assist low-income households and invest in community development.

We look forward to helping Congress craft spending bills that move cities, towns and villages forward. Because local leaders are on the front lines, we know where federal dollars can go the farthest in our communities.

As part of a budget deal, NLC calls on Congress to stop the looming infrastructure cuts.

Congressional leaders need to fix the looming rescission of \$7.6 billion in transportation funding and the estimated 12% cut in transit funding, set to take place in 2020 without Congressional action. Without a fix, these cuts will become permanent and crippling, and communities can’t afford cuts to infrastructure funding when the current status quo is not sufficient.

Long-term reauthorization of flood insurance is on the clock by the end of September.

The House Financial Services Committee approved **H.R. 3167** to reauthorize the National Flood Insurance Program (NFIP) for another five years in June. This bill includes several reforms such as increasing affordability, improving mapping and enhancing mitigation. The Senate is also considering a proposal (**S. 2187**) from a bipartisan group of Senators from coastal states that would support low- and middle-income families, invest more in mitigation and institute various management reforms.

NLC is concerned that without a long-term extension there will continue to be uncertainty about the fate of the program and the future of flood insurance rates for businesses, residents and disaster resilience. We are closely following proposed congressional legislation and implore the Senate and House to come to an agreement in early September to pass a five-year extension of the NFIP.

Local leaders need the federal government to empower local broadband leadership.

We’re calling for cosponsors to **H.R. 530**, the *Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019*, and **S. 2012**, the *Restoring Local Control Over Public Infrastructure Act of 2019*. H.R. 530/S. 2012 would repeal recent harmful Federal Communications Commission (FCC) regulations forcing local governments to subsidize the deployment of 5G wireless infrastructure on public property, with no guarantee of improved service for residents.



Cities, towns and villages are eager to welcome new technologies like 5G, but local leaders must retain the authority to protect the diverse needs of their residents. Federal agencies should work more closely with local leaders to understand those needs, which recent FCC actions failed to do.

It's past time to invest in infrastructure.

Cities, towns and villages have continuously called on Congress to develop and pass comprehensive legislation that rebuilds and reimagines America's infrastructure in partnership with local governments.

In absence of a long-term infrastructure plan this year, we are focused on a few key pieces of bipartisan legislation that can improve our nation's water, broadband and transportation systems while investing in training and education for our workforce.

- The transportation reauthorization bill, **America's Transportation Infrastructure Act (ATIA) (2302)** would grow transportation investment and provide direct funding avenues for cities on safety, resilience and congestion.
- The **Moving FIRST Act (S. 1939 / H.R. 3388)** would invest in "Smart Cities" of all sizes with annual grants for innovation in transportation and infrastructure.
- The **Building U.S. Infrastructure by Leveraging Demands for Skills – BUILDS Act (H.R. 2831/S. 1517)**, would help ensure that communities have a pipeline of skilled, trained workers to meet the growing needs within infrastructure sectors.
- The **Water Quality Protection and Job Creation Act (H.R. 1497)** would reauthorize and increase funding for the Clean Water State Revolving Fund, an essential tool for communities to provide clean and safe water for residents and businesses.
- **H.R. 1764** would give states the flexibility to issue National Pollution Discharge Elimination System (NPDES) permits up to 10 years to better align with local planning and construction timelines.
- **The Digital Equity Act of 2019 (S. 1167)** would help communities get more residents online, through grants to train residents, develop a digital workforce and gain access to technology equipment.

Federal policies are implemented locally. Our cities *want* to partner with Congress to implement programs efficiently and seamlessly for residents. Local leaders across the country are counting on the productivity and partnership of Congress and the administration this fall.

During this critical time in Washington, it's critical that local leaders stand together to drive forward a comprehensive and dynamic agenda on Capitol Hill. Visit the [NLC Take Action](#) page to ask your Members of Congress to cosponsor legislation that will make a difference for cities, towns, and villages.

