

Legislative Locator

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



**Legislative
Locator**

August 2022

League's Advocacy Program Welcomes a Fall Intern

We are pleased to welcome Hannah McManus to the Governmental Affairs Department as an intern for the fall semester. Hannah is a senior at Shippensburg University majoring in Political Science with a minor in Business. She will be working on a blight toolkit – surveying members, gathering information on best practices, and learning from practitioners about what tools are still needed at the local level.

Local Use of Radar: Share Speed-Related Stories/Incidents to Aid Advocacy Efforts

The League and PSATC continue to advocate for municipal police to receive the authority to use radar for speed enforcement. Prohibiting local use of radar has and will continue to hinder local law enforcement operations across the Commonwealth and further endanger public safety.

Despite multiple Senate votes in favor of local radar, members of the State House are still hesitant to take action.

To aid in our advocacy efforts, we are asking both League and PSATC members to please share any speed-related stories or incidents that we can relay to House members. Additionally, please share any issues your police department has encountered with obtaining the speed timing technology, VASCAR and ENRADD, which is becoming obsolete, unserviceable and incompatible with new police vehicles. We are hopeful these local stories can help them better understand how speeding threatens the safety of their neighbors and greater community.

Please email Kaitlin Errickson, Governmental Affairs Representative, at kerrickson@pml.org to share any speed related incidents or technology issues to be used for our local use of radar advocacy.

New ARPA Investment Tracker – Please Share Your Successes

We have created a new [ARPA Investment Tracker](#) and ask that you please fill out the brief form so we can share the great ways you are using your ARPA dollars with fellow League and PSATC members, as well as legislators.

Municipal Leadership Summit

PITTSBURGH 🌉 OCTOBER 6-9, 2022



CONNECT • LEARN • ENGAGE

Register now at PML.org

#MunicipalLeadershipSummit2022

PA State Archives' Guidance for Incorporation Documentation Requests

Recent updates to the SAM.gov (System for Award Management) registration system now require municipalities to provide written documentation of their incorporation in order to register and apply for federal grants.

The Pennsylvania State Archives can assist municipalities requesting copies of their historical incorporation documents. To better assist municipal officials, the State Archives office has prepared a guide to help municipalities to locate their incorporation documents or approved documentation. This guide is posted on their website [here](#).

For any help or if you have any questions, please contact the State Archives directly at ra-StateArchives@pa.gov or by calling [\(717\) 783-3281](tel:(717)783-3281).

Cosponsor Memos

Representative Jared Solomon announced intention to introduce legislation requiring cities, upon request, to create designated parking spots for individuals with disabilities.

Representative Leslie Rossi announced intention to introduce legislation requiring the PA Treasury Department to reach out to local governments that have unclaimed property at Treasury.

Senator Amanda Cappelletti announced intention to introduce legislation enhancing the Optional Affordable Housing Funds Act by increasing fees charged for the recording of deeds and mortgages, impose reporting requirements and establish a Local Housing Trust Fund Community of Practice.

Legislation of Interest

Fiduciary Law Training for Trustees of Public Pension Systems

[House Bill 2010 \(PN 3056\)](#), introduced by Representative Frank Ryan, would amend Title 20 (Descendants, Estates and Fiduciaries).

The bill would establish fiduciary training for trustees, board members or other appointed or elected officials in a fiduciary relationship to the members or beneficiaries of a public pension system. New fiduciaries must complete two hours of fiduciary law training within a year of assuming their position, and new and existing fiduciaries must complete one hour of continued fiduciary law training on an annual basis. Initial training topics would include the definition of fiduciary, conflicts of interest, the prudent expert standard and self-dealing. Annual training would include updates and case studies based on the initial training topics.

A fiduciary would be entitled to have their expenses reasonably incurred in defending a legal action against the individual in their capacity as a fiduciary during and after the tenure of the individual and through any established statute of limitations. Payments of these expenses would be prohibited if a court finds the conduct of the fiduciary to be a criminal offense, willful misconduct or self-dealing.

Lastly, "public pension system" would be defined as the Public School Employees' Retirement System, the State Employees' Retirement System, the Pennsylvania Municipal Retirement System and any pension plan maintained by a municipality or a county for its employees.

Location: Passed the House; Senate Finance Committee, June 24, 2022

Borough Civil Service Commission Amendments

[House Bill 2741](#) (PN 3369), introduced by Representative James Struzzi, would amend Title 8 (Boroughs) increasing the cap that requires boroughs to hire police officers through a civil service commission from three to 10 officers. A borough with fewer than 10 officers may discharge its civil service commission when its force has no more officers hired by the commission, unless the collective bargaining agreement provides for an earlier discharge. The Police Tenure Act (Act 144 of 1951) regulating the suspension of police officers for departments with fewer than three officers would still apply to a suspension, removal, furloughing or reinstatement of a member of a police force not hired by a commission.

Location: House Local Government Committee, July 7, 2022

Uniform Construction Code: Tiny Houses

[House Bill 2767](#) (PN 3409), introduced by Representative Lori Mizgorski, would amend the Uniform Construction Code requiring the Department of Labor and Industry to promulgate regulations adopting Appendix Q "Tiny Houses" of the 2018 International Residential Code. These regulations would only apply in a municipality that elects to adopt Appendix Q by ordinance.

Location: House Labor and Industry Committee, August 11, 2022

Water Quality Accountability Act

[Senate Bill 597](#) (PN 1714), introduced by Senator Patrick Stefano, would amend Title 27 (Environmental Resources) adding a new chapter regarding water and waste water asset management plans for public systems. The Department of Environmental Protection (DEP) would be responsible for developing regulations and would have oversight and enforcement of the requirements outlined in the legislation.

This bill would only apply to community systems with 751 or more service connections that are used all year round. Within 18 months of the bill's enactment, water system operators would be required to submit asset management plans for review and approval to DEP. Such plans would be required to be updated and submitted for approval every three years and would need to ensure inspection, maintenance, repairs and renewals of water and wastewater infrastructure are within state and federal regulations. The bill outlines the minimum requirements of an asset management plan, such as: a map of infrastructure location; a schedule for infrastructure repair and replacement; projected expenditures needed to implement the plan; a lead service line removal and replacement plan in accordance with state and federal regulations; the setting of rates; certification of a cyber-security plan for systems with cyber infrastructure; and the inspection and operation of critical valves and fire hydrants.

The bill outlines similar requirements for waste water systems asset management plans. DEP would determine when waste water plans would be due, as well as a schedule for updates.

Before water and waste water systems operators may receive subsidized loans or other financial assistance from the Commonwealth, they must demonstrate that an asset management plan is developed or in the process of being developed.

In order for DEP to implement and enforce the mandates set out in this legislation, each water and waste water system operator will be assessed a fee by DEP and will be required to report annually their gross operating revenue for the preceding year.

A specific group of municipally owned and operated systems were carved out of this bill when it was amended in the Senate Consumer Protection and Professional Licensure Committee. These are systems that have applied to the PUC for a voluntary rate change within five years of the effective date of the legislation.

Location: Passed the Senate; House Environmental Resources and Energy Committee, June 14, 2022

Clean Indoor Air Act

[Senate Bill 1309 \(PN 1870\)](#) and [House Bill 2466 \(PN 2930\)](#), introduced by Senator Jay Costa and Representative Dan Frankel respectively, would amend the Clean Indoor Air Act.

The definition for “public place” would include a transit vehicle, as well as the space within 20 feet of a public entrance to a sports or recreational facility, theater or performance establishment, a park and playground, not including a street. The definition for “workplace” would be expanded and clarified to include several additional areas of a workplace, such as restrooms, conference rooms and hallways. It would also clarify that a private home or residence being used as a workplace would not be exempted from the smoking prohibition. It would redefine “cigar bar” and “cigar lounge” and would add definitions for “electronic smoking device” and “hookah bar.” An electronic smoking device would be included in the definition of smoking.

The bill would repeal language in Section 11 preempting local government and replace it with language permitting local governments to adopt and enforce any law that is more restrictive than the state law.

Lastly, the bill would remove several definitions and repeal section 10.1 regarding clean indoor air and section 15.1 regarding local government preemption of the Fire and Panic Act.

*Location: Senate Bill 1309: Senate Health and Human Services Committee, August 10, 2022
House Bill 2466: House Health Committee, March 31, 2022*



NATIONAL LEAGUE OF CITIES UPDATE

ARPA and Public Spaces: How Cities are Investing in Places to Live, Work and Play

Across America, public parks and recreational spaces have long offered free-to-low-cost opportunities for visitors and residents to engage in local communities. During the pandemic, the value of these spaces as an accessible public amenity became even more apparent. With unprecedented funds made possible through the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF), policymakers are fortifying the value of these spaces by investing in them.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2022

House:

September – 12-14, 19-21
October – 24-26
November – 14-16

Senate:

September – 19-21
October – 17-19, 24-26
November – 15

**reminder - session dates are subject to change*



Remember, you can access all archived editions of the Legislative Locator as well as other member publications, forms and resources in your [Member Dashboard](#).



Pennsylvania Municipal League
414 N. 2nd St, Harrisburg
Pennsylvania 17101-1342 United States

You received this newsletter as a benefit of your membership in The League, PSATC, or APMM or through your subscription to the Legislative Locator.

[Unsubscribe](#)

