

Legislative Locator

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



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September 2022

Consumer Fireworks Model Ordinances

The amended Consumer Fireworks Law, [Act 74 of 2022](#), went into effect on September 9. To help our members utilize the new tools provided in Act 74, we are pleased to provide you with several model ordinances.

Under Section 1106 of the Act, any municipality may use an application and permitting process to grant permission to prospective consumer fireworks users. Section 1106 also contains a new provision allowing dense municipalities, where it is determined impossible to use fireworks in compliance with the 150-foot rule from any building or vehicle, to adopt an ordinance specifically prohibiting the use of consumer fireworks. Lastly, the Section contains language authorizing other possible ways to limit consumer fireworks, such as through a noise or nuisance ordinance.

If your municipality is interested in curbing consumer fireworks use, please discuss the various models with your solicitor to determine the best ordinance for your municipality.

- [Model 1](#) - provides a consumer fireworks permitting process
- [Model 2](#) - provides a consumer fireworks prohibition
- [Model 3](#) - provides a consumer fireworks permit by exception process

Please contact Amy Sturges, Deputy Executive Director – Advocacy, at asturges@pml.org with any questions.

PA Strategic Plan for Broadband

The Pennsylvania Broadband Development Authority has developed a draft Strategic Plan for Broadband. The Commonwealth must adopt a strategic plan in order to be eligible for federal infrastructure funds to support broadband development in the state. The League has been asked to serve on the Outreach and Education Subcommittee in an effort to review, provide comments on and improve the draft plan. Please view the [draft Strategic Plan for Broadband](#) and reach out to Amy Sturges, Deputy Executive Director – Advocacy, at asturges@pml.org with any comments regarding the draft plan.

Municipal Leadership Summit

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Pennsylvania Municipal League

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Cosponsor Memos

Senator John DiSanto announced intention to introduce legislation providing authorization for municipal authorities to assess stormwater fees at reasonable and uniform rates against the Commonwealth and its instrumentalities, as well as allowing for appropriate exemptions or credits for state property with its own MS4 permit.

Legislation of Interest

Municipal Recreation Programs

[House Bill 1155 \(PN 3020\)](#), introduced by Representative Barry Jozwiak, would amend the Human Services Code clarifying that the term “child care center” does not include a municipal preschool recreation program that is operated under an ordinance or resolution complying with the health and

safety standards of the PA Recreation and Park Society Protocol for Public Preschool Recreation Programs.

Location: First Consideration in the Senate, September 21, 2022

Fire and EMS Grant Funding

[House Bill 1178](#) (PN 3467), introduced by Representative Jerry Knowles, would amend Title 35 (Health and Safety) regarding the Fire and EMS Grant Program and implementing new grant programs.

Under current law, if two or more companies receiving grants merge, the newly formed company shall continue to receive each individual's grants in the aggregate amount for up to 10 years after the merger. This bill would remove the ten-year limit and allow merged companies to receive the aggregate grant amount in perpetuity.

Additionally, the bill was amended in the House Veteran Affairs and Preparedness Committee earlier this month to enable the funding authorized by Act 74 of 2022, which amended the Fireworks Law and redirected fireworks revenue to public safety. Pending the legislative enactment of this bill, the revenue would be distributed as follows:

- \$1.5 million for the EMS Grant Program;
- \$250,000 for the online training of firefighters;
- \$1 million for PA Higher Education Assistance Agency to provide loan forgiveness and tuition assistance to students or graduates who are active volunteer firefighters and EMS personnel;
- \$1 million for training EMS personnel;
- \$500,000 for EMS training center capital grants;
- \$500,000 for career fire department capital grants; and
- \$250,000 for a public education and safety campaign around the safe use of consumer fireworks.

The bill would also provide details, purposes and eligibility for certain grants.

Location: Passed the House; Senate Veterans Affairs and Emergency Preparedness Committee, September 21, 2022

Local Government Unclaimed Property

[House Bill 2796](#) (PN 3433), introduced by Representative Leslie Rossi, would amend the Fiscal Code requiring the State Treasurer to notify a municipality of any unclaimed property at the Treasury. A municipality would include a county, city, borough, township, incorporated town or school district. The State Treasurer has begun a process to inform municipalities of their unclaimed property, and this bill would codify this practice into law.

Location: House Finance Committee, September 6, 2022

Bridge Inspection and Maintenance Database

[Senate Bill 1312](#) (PN 1874), introduced by Senator Jim Brewster, would amend Title 74 (Transportation) requiring the development and maintenance of bridge databases.

PennDOT would be required to maintain a searchable and public database of all bridges maintained with federal, state, county or municipal funds. The database would track a bridge's name, location, engineering district, date of construction and inspection and maintenance information. Counties and municipalities would be required to maintain their own databases for bridges maintained through their respective funding and submit the database information to PennDOT on a quarterly basis to be included in the statewide database. Each municipality would be responsible for maintaining a database at their own expense and the database must be publicly accessible. Municipalities would also be required to submit the database information to the appropriate metropolitan planning organization and PennDOT engineering district.

PennDOT would be responsible for developing and publishing standards for all bridge inspections to be completed by bridge inspectors, qualifications for which are listed in the bill. Lastly, every four years the Auditor General would be required to audit all bridge documents to ensure timely inspections have been completed and filed and any needed repairs are scheduled.

Location: Senate Transportation Committee, August 24, 2022

Penalties for Counties Banning Unconventional Gas Development

[Senate Bill 1331 \(PN 1892\)](#), introduced by Senator Gene Yaw, would amend Title 58 (Oil and Gas) prohibiting counties that ban natural gas development under land owned by the county from receiving a share of any impact fee for drilling unconventional gas wells and any Marcellus Legacy Fund grants. Municipalities within a county that bans natural gas development on county property would still be eligible to receive their distribution of drilling impact fees.

Location: Senate Environmental Resources and Energy Committee, September 13, 2022

OSHA Public Workplace Safety Study

[Senate Resolution 338 \(PN 1912\)](#), introduced by Senator Christine Tartaglione, would direct the Joint State Government Commission to conduct a study evaluating the implementation of a public sector Occupational Safety and Health Administration (OSHA) law.

The study would include: an analysis of existing federal and state safety regulations covering county government, municipal government and school district employees; a survey of political subdivisions to understand the number of employees affected, current public sector workplace injury statistics and estimated costs to implement and comply with OSHA standards; and a comparison of public and private workplace injury data.

The resolution would also establish an advisory committee and includes both The League and PSATC as members to help with data collection and stakeholder feedback. The report would be published within one year of the creation of the advisory committee.

Location: Senate Labor and Industry Committee, September 19, 2022



NATIONAL LEAGUE OF CITIES UPDATE

Proposed Legislation Includes Costly Unfunded Mandate for Local Governments

As Congress prepares to pass the annual National Defense Authorization Act (NDAA), local governments should be aware of a provision that may have a negative impact on their operations through the imposition of a new unfunded mandate. Senators Mark Warner (D-VA) and Mike Crapo (R-ID) are pushing to attach a new piece of legislation to the mandatory end-of-year defense bill titled the "Financial Data Transparency Act of 2022" (S. 4295). This provision would establish new financial data standards that would apply to local governments.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2022

House:

Senate:

**reminder - session dates are subject to change*



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