

Legislative Locator

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



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October 2022

2022 Adopted Resolutions

The League is a member-driven organization relying on member municipalities to help develop policies that meet the present needs of local government. Our annual [resolutions process](#) provides every League member with the opportunity to participate in, and shape, The League's legislative agenda.

During The Municipal Leadership Summit, the voting delegates for The League's Resolutions Committee and Annual Business Meeting met for a final discussion and vote on the proposed 2022 Resolutions. All twelve resolutions were adopted and will be integrated into the 2023 Policy Statement.

The adopted resolutions listed below were proposed by The League's Legislative Committee.

1. 2018 Policy Review
2. Adoption of NLC's 2022 Municipal Policy and 2022 Federal Action Agenda
3. Permanent Funding for Whole Home Repairs Program
4. Recognizing the Affordable Housing Crisis in Pennsylvania
5. Reaffirming The League's Policy on Reforming the Local Taxing Structure
6. Signatures and Filing Fees for Nomination Petitions in Third Class Cities
7. Local Share of Recreational Marijuana Tax
8. Limitations on Liability Under Pennsylvania's Sovereign and Governmental Immunity Law
9. Consumer Fireworks Data
10. Opposing a Gas Tax Holiday
11. Municipal Police Recruitment, Retention and Funding
12. Public Safety Authorities

Please view and read The League's Adopted 2022 Resolutions [here](#).

2022 Municipal Leadership Summit

On behalf of everyone at the Pennsylvania Municipal League, we'd like to thank all of those who attended, participated or presented at the Annual Municipal Leadership Summit in Pittsburgh.

Nearly 250 participants took full advantage of the time to meet and share best practices with others from cities, townships, boroughs and towns throughout the Commonwealth. Elected and appointed officials were able to learn from each other during general and breakout sessions including a virtual reality police de-escalation presentation – which was outstanding – and a most inspirational message from two-time Super Bowl champion Charlie Batch, whose success story in creating a legacy for children in his community was nothing short of sensational.

We would also like to thank all of our West Penn Park playground sponsors: the City of Pittsburgh, the Pennsylvania Department of Conservation and Natural Resources (DCNR), The Grable Foundation, Duquesne Light, Highmark Health, Allegheny Health Network and KABOOM!, as well as our t-shirt sponsors U-COMP and PennPRIME. This kid-designed and adult-approved project was a great success and provides a state-of-the-art new playground for hundreds of neighborhood children in the Polish Hill Neighborhood of Pittsburgh. We are excited to have local children enjoy their new, colorful, super fun playground and we could not have done it without your help and support! You can view the [press release, video](#) and our [Facebook photo gallery](#) of the playground build.

It's not too early to look forward to next year's Summit which will be held in Bethlehem from October 5-8th, 2023, and we hope to see you there!

Please take a moment to fill out the survey for the Municipal Leadership Summit by [clicking here](#). A Post-Summit News Release Template for Delegate Use can be found on our [Municipal Leadership Summit page under Resources](#). And, we are pleased to present a [video](#) of this year's Summit for everyone to enjoy and share with others!

Electric Vehicle Infrastructure Funding

PennDOT to Distribute to Pennsylvania Businesses and Organizations

PennDOT will host [an informational webinar about the 2022 National Electric Vehicle Infrastructure \(NEVI\) Grant Program](#) on **Tuesday, November 1, 2022**, from 10 a.m. to noon for all audiences interested in applying for the matched PennDOT grant program funds. The NEVI Program provides resources to help support and build the infrastructure needed for the growing number of Electric Vehicles (EVs) on our roads. PennDOT will receive and distribute more than \$171.5 million over the next five years from the Bipartisan Infrastructure Law (BIL). In the first fiscal year, [\\$25.4 million will be available in matched grants for PA businesses and organizations](#).

"The NEVI program will help Pennsylvania build out its EV charging infrastructure," said PennDOT Secretary Yassmin Gramian. "As this is a new program for Pennsylvania and the nation at large, we want to give our partners and businesses as much opportunity as possible to prepare for application submission to support our efforts of transparency and equity."

The event will include an overview of the PennDOT NEVI grant program, as well as information on eligibility, types of projects funded, how to apply, eligible and non-eligible costs and application best practices. PennDOT plans to issue a formal notice for the grant program in late 2022 or early 2023.

Cybersecurity Grant Update from the PA Office of Homeland Security

Under the Infrastructure Investment and Jobs Act (IIJA), the [federal government](#) established the State and Local Cybersecurity Grant Program (SLCGP) to provide state and local governments opportunities to address cybersecurity risks, strengthen the cybersecurity of critical infrastructure and ensure resilience against persistent cyber threats to the services these governments provide their communities.

Commonwealth agencies began planning in anticipation of receiving the IIJA Notice of Funding Opportunity (NOFO) months before its release. A Cybersecurity Planning Committee was formed including multiple state agencies and governmental associations and led by the Commonwealth's Chief Information Security Officer. The Cybersecurity Planning Committee will be responsible for ensuring that the Commonwealth's Cybersecurity Plan meets the requirements of the NOFO and provides the framework to improve capabilities to respond to cybersecurity incidents and ensure continuity of operations for government entities providing services to the residents of the Commonwealth.

Year 1

The initial year of the SLCGP presents challenges because of the very short time (60 days) between the release of the NOFO and the application submittal date of November 15, 2022, set by the US Department of Homeland Security. Therefore, the focus of Year 1 will be to ensure

cybersecurity prevention tools and services already in place throughout the Commonwealth have the sustaining funding necessary to continue and to expand the services to other governmental entities. These prevention tools and services include:

- Intrusion detection systems placed on governmental networks and monitored 24/7 to identify intrusion attacks, alert key personnel, and report nationally to inform coordinated cyberattacks; and
- Services that provide employee training on how to prevent cyber system breaches and phishing, and penetration testing services.

Currently, these services are made available to county governments through an expiring election security grant. Feedback from the counties taking advantage of these services has been very positive and the Commonwealth has received requests to expand the services to school districts and local governments. This approach will provide sustainability for the vital preventative services already in place and allow the planning committee to focus on developing a competitive grant program for the second through fourth years of the SLCGP.

Years 2-4

Local governments will be able to apply to the Commonwealth to participate in cybersecurity projects identified by the cybersecurity planning committee for Years 2-4 of the SLCGP. The Commonwealth's Office of Homeland Security will provide more information on how to apply to participate in these projects in the future.

Additional information regarding SLCGP opportunities will be made available following federal approval of the Commonwealth's Cybersecurity Plan.

For more information, please read [NLC's blog](#) regarding the program.

Legislation On the Governor's Desk

Fire and EMS Grant Funding

[House Bill 397 \(PN 3603\)](#), introduced by Representative Clint Owlett, would amend Title 35 (Health and Safety) regarding the Fire and EMS Grant Program and enabling funding for public safety 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 increase the ten-year limit and allow merged companies to receive the aggregate grant amount for up to 20 years. The maximum amount of a grant for a fire company would be increased from \$15,000 to \$20,000, and the maximum amount of a grant for an EMS company would be increased from \$10,000 to \$15,000. The Fire Relief Formula Study deadline would be extended to December 31, 2023. Currently, a local governing body may only provide by ordinance for a process to reject a volunteer firefighter or EMS local tax credit. This bill would also allow for the use of a resolution to proscribe a process to reject claims that do not satisfy program criteria.

Additionally, the bill would 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 education 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 fire department capital grants;

- \$250,000 for a public education and safety campaign around the safe use of consumer fireworks; and
- \$500,000 to the Office of the State Fire Commissioner to be used for reimbursement to a Pennsylvania bomb squad for costs associated with removal, storage, and destruction of fireworks.

Furthermore, the bill would require the Commissioner to maintain an online training database, referred to as the Training and Education Certification Management System, for fire and EMS personnel to ensure easy access to accredited training courses, training materials and transcripts. The Commissioner may charge a fee of no more than \$1 for each training course to be used for administrative purposes. The bill would also establish a pilot program for high school students to receive EMS education.

Finally, the bill would allow the Office of the State Fire Commissioner and Bureau of Emergency Medical Services of the Department of Health to use some funds for administrative purposes, as well as requiring annual reports for certain grant programs.

Last Day for Governor's Action: November 6, 2022

Adding Land Banks to Abandoned and Blighted Property Conservatorship Act

[House Bill 2210 \(PN 2575\)](#), introduced by Representative Tracy Pennycuick, would amend the Abandoned and Blighted Property Conservatorship Act adding land banks to the definition of "Party in Interest" as an eligible entity that may petition the court for appointment as a conservator under the Act.

Last Day for Governor's Action: November 5, 2022

Highly Automated Vehicles

[House Bill 2398 \(PN 3563\)](#), introduced by Representative Donna Oberlander, would amend Title 75 (Vehicles) allowing for the operation of highly automated vehicles (HAV) and platoons with or without a human driver. This bill would apply to vehicles only for commercial use, not vehicles for personal use. Current law prohibits HAVs from operating without a licensed driver in actual physical control of a vehicle. House Bill 2398 would remove this barrier by authorizing the operation of a HAV by either a human driver, a human driver in a remote location or exclusively through automation.

In order to operate a HAV, a self-certification must be completed and submitted to PennDOT. A certificate holder, as defined in the bill, would include a firm, copartnership, association, corporation or educational or research institution. Unless the self-certification is rejected by PennDOT within 30 days, the certification is considered approved. A certification renewal would not be required for successful applicants. PennDOT would have limited ability to suspend or revoke a certificate for false statements made in the self-certification, operation of a HAV in violation of this bill or for certain convictions. Ten days before commencing HAV operations, the certificate holder must provide written notice to any affected municipalities of the intent to operate a HAV within their borders. Municipalities may also request certificate and accident information from PennDOT for any HAVs operating within their jurisdiction.

The bill would also specify how law enforcement would cite a HAV with or without a driver. The automated system of the vehicle would be considered the driver if there is no human driver present, and the HAV certificate holder would be cited following physical or electronic proof of license and registration. If there is a human driver present either in the car or remotely, then that driver would be cited following physical or electronic proof of license and registration.

PennDOT would be the regulatory authority over HAVs and would be responsible for establishing policies and regulations regarding the operation of HAVs. PennDOT would develop temporary regulations for the first two years and then publish final guidelines to facilitate continued implementation in consultation with the HAV Advisory Committee. Before adopting the temporary regulations or publishing guidelines, PennDOT must hold a public meeting and provide for a 10-day public comment period. PennDOT must follow the public comment period under the Regulatory Review Act before adopting the final regulations.

PennDOT would be required to publish a list of all certificate holders on their website, including the location where the vehicle is expected to be operated and name and contact information for accident claims. PennDOT must also periodically collect information regarding the process for emergency service response to a HAV without a driver, training certifications for HAV operators, whether the HAV will transport goods or passengers and a list of municipalities where the HAV is expected to operate. The HAV Advisory Committee would be required to provide an annual report evaluating the impact of HAVs on the state's workforce, economy and mobility and accessibility to the House and Senate Transportation Committee chairs and post it on PennDOT's website.

In alignment with Section 6109 of the Vehicle Code, this bill would supersede all local ordinances, policies and rules regarding HAVs. It would not prohibit local police from enforcing the Vehicle Code as long as the exercise of their police power does not treat HAVs differently than other vehicles.

Before operating a HAV with or without a driver on a highway, the vehicle would be required to maintain a minimum of \$1 million for liability for any accidents. Additionally, the bill would provide requirements for reporting accidents involving a HAV, ability to enter into interstate agreements, standards regarding platooning and HAV work zone vehicles, as well as specific authority for the Public Utility Commission and transportation network companies in a City of the First Class.

Lastly, HAVs would not be subject to the same equipment laws as vehicles with a driver physically present in the vehicle that are not relevant to a HAV's operation – for example, windshield wipers.

Last Day for Governor's Action: November 6, 2022

Removing Time Limit for County Demolition Fees

[Senate Bill 439 \(PN 457\)](#), introduced by Senator David Argall, would amend the Recorder of Deeds Fee Law continuing support for the County Demolition Funding Program. Act 152 of 2016 provides counties with the option to charge a \$15 fee by ordinance, which would be collected through the Recorder of Deeds Office for each deed and mortgage to fund a demolition program for a 10-year period. This bill would remove the 10-year sunset date.

Last Day for Governor's Action: November 4, 2022

Legislation of Interest

Continuous Maintenance Permit

[House Bill 2404 \(PN 3204\)](#), introduced by Representative Clint Owlett, would amend the Dam Safety and Encroachments Act creating an optional continuous maintenance permit that can be requested by a municipality.

The bill would require the Department of Environmental Protection (DEP) to develop a 10-year continuous maintenance permit that allows municipalities as permittees to accept responsibility to maintain, inspect, and monitor watercourses, water obstructions, appurtenant works and encroachments. Once approval is granted, the permittee would not be required to see preapproval or authorization from DEP for maintenance conducted under the permit. Work must be performed in a manner consistent with prepared plans as signed and certified by a registered professional engineer. Work performed under such plans would not be considered a permit violation, and permittees would be required to provide annual reports to DEP of work undertaken.

House Bill 2404 is part of a larger package of legislation dealing with stream maintenance.

Location: Senate Appropriations Committee, October 19, 2022

Public Sector Worker Safety Data Analysis Act

[House Bill 2860 \(PN 3530\)](#), introduced by Representative Eric Nelson, would create the Public Sector Worker Safety Data Analysis Act.

Within one year of this bill's enactment, the Department of Labor and Industry would be required to develop a program, similar to OSHA, for the reporting of work-related illness and injury among public

sector employees. Before implementing the program, the Department would be required to review the OSHA provisions, forms and reporting methods to help determine the least burdensome reporting mechanisms for public sector use. Public sector employees would be required to report the same work-related illnesses and injuries as required under OSHA. Lastly, the Department would also be required to engage with, educate and train public sector employers on the program and its reporting requirements.

The Department of Labor and Industry may use the data to improve workplace safety; compare the nature, frequency and severity of illness and injuries between similar public and private sector occupations, analyze workplace illness and injury trends; and to understand the costs of work-related illness and injuries in the public sector. The Department would also be responsible for preparing an annual report of the program for the Governor and chairs of the House and Senate Labor and Industry Committees.

Lastly, \$1.5 million from the Workmen's Compensation Administration Fund would be appropriated annually to the Department to administer the program.

Location: House Labor and Industry Committee, September 29, 2022

Alternative Home Rule Study Commission for Act 47 Communities

[Senate Bill 589 \(PN 714\)](#), introduced by Senator Kearney, would amend the Home Rule Charter and Optional Plans Law establishing an alternative process for Act 47 distressed communities to consider Home Rule. Under the bill, a home rule government study commission may be formed by resolution and composed of each member of the governing body, the mayor if not a member of the governing body, and the Act 47 coordinator. Once organized, the government study commission would have the same powers, duties and responsibilities as one formed through the traditional home rule process. An Act 47 home rule study commission would have to consider the Act 47 recovery plan, as well as if the existing municipal services and the causes of municipal distress would be improved by operating under a new or amended home rule charter. The Act 47 coordinator would be required to hold a public hearing and provide testimony on the proposals after the study commission's recommendations are published.

Location: Passed the Senate; House Local Government Committee, October 20, 2022



NATIONAL LEAGUE OF CITIES UPDATE

How Cities and Counties Expanded ARPA Commitments

March 2022 marked the first anniversary of the passage of the American Rescue Plan Act (ARPA). It also marked nearly one year from when U.S. states, counties, cities, and tribal governments began to receive their respective shares of \$350 billion ARPA funds provided toward public sector fiscal recovery. We have been monitoring how large cities and counties are using those flexible State and Local Fiscal Recovery Fund (SLFRF) dollars through our [Local Government ARPA Investment Tracker](#).

[Read More](#)

Help Promote the 2022 Economic Census

Every 5 years, the U.S. Census Bureau conducts the Economic Census, the most comprehensive measure of the Nation's businesses and economy. Data from the Economic Census is used by businesses, policy makers, governments, and communities for economic development, business decisions, and strategic planning.

Resources:

- [About the Economic Census](#)
- [Promotional Materials](#)
- [FAQ about the Economic Census](#)

These sites will be updated and built out in the coming weeks, so please check back periodically.

HOUSE AND SENATE SESSION DAYS 2022

House:

November – 14-16

Senate:

November – 15

**reminder - session dates are subject to change*



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