

Legislative Locator

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



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November 2022

A Legislative Session in Review

November 15 marks the end of a busy 2021/2022 legislative session. The General Assembly was able to return to business as usual and focus on an array of issues after passing several bills addressing the residual effects of the pandemic in the beginning of the session. Throughout these two years, the General Assembly introduced more than 4,000 bills, of which The League tracked 1,166 bills affecting local governments. In addition to bill tracking, The League's Governmental Affairs staff advocated for issues important to our members, and opposed legislation that would preempt or decrease the efficiency of local government. Several key League priorities were signed into law or gained traction through the legislative process, while other detrimental legislative efforts were stalled.

Enacted Legislation Highlights

Act 74 of 2022 updates the Fireworks Law by providing local governments with greater ability to regulate consumer fireworks while also redirecting generated revenue to various public safety grants. Act 50 of 2021 provides for the deployment of small cell wireless facilities while preserving local authority over public rights-of-way. This Act is a big win for the Commonwealth's local governments, as it is the most municipal friendly small cell legislation in the country. Lastly, Act 41 of 2022 consolidates and substantially updates the existing procedures for municipal boundary change.

Bills on the Move...

While these bills did not make it to the Governor's desk, they gained traction and greater attention in the General Assembly. Updating the Right to Know Law to address vexatious and commercial requests, as well as other issues and updates to the Law, became a large topic of conversation for the legislature and the Senate State Government Committee. Blight legislation was a main focus this session, with the House Bill 1791, an ambitious bill to address code enforcement issues and vacant property registries. Additionally, the Whole Home Repairs Program received a one-time allotment of \$125 million to help homeowners and small landlords tackle deferred maintenance projects by prioritizing home repair, ultimately preventing blight through proactive property maintenance. Permanent funding for the Program is needed to address current and future needs of our communities. Local use of radar was just one vote shy of passing the House. Finally, several hearings were held and many bills were introduced regarding the fire and EMS crisis. The League will continue to engage our members on these issues through our advocacy efforts in the next session.

Stalled Bills: Dead but Not Gone

Senate Bill 775, House Bill 2237 and Senate Bill 669 regarding post-traumatic stress injury (PTSI) in first responders, a cost of living adjustment for retired municipal police officers and providing pension credit for prior law enforcement service respectively, died with the end of session after failing to make any legislative traction. The League proactively opposed these three bills due to

unfunded mandates placed on local governments and the detrimental financial impacts such legislation would have on municipalities across the state. The League supports increasing the awareness of PTSI in first responders and providing for our local police and looks forward to continuing conversations next session to achieve those goals without financially impairing local governments.

Senate Bill 275, regrading energy choice, made it to the Governor's desk but was ultimately vetoed. This bill would have preempted municipalities' ability to promote residential or commercial policies and incentives regarding utilities and sources of energy. It's likely that this bill will be introduced again and The League will remain vigilant to ensure local government authority is not preempted.

Office of the State Fire Commissioner Tax Credit Incentive Guidelines for Volunteer Fire and EMS Personnel

The Office of the State Fire Commissioner has finalized and published the Volunteer Tax Credit Incentive program and reporting processes for volunteer fire and EMS personnel guidelines as required by legislation, Act 172 of 2016: Chapter 79A of Title 35.

Please view the program guidelines and documents below.

- [OSFC Tax Credit Incentive Guidelines](#): This document provides a quick overview of guidance to municipalities, school districts, fire companies and EMS organizations on tax credit incentive programs for volunteer firefighters and EMS providers.
- [Volunteer Tax Credit Program \(Full Guidance\)](#): Full guidance on the program.
- [Tax Credit Program Report Form](#): Used by municipalities and school districts to ensure all information is reported to the Office of the State Fire Commissioner. Municipalities, including school districts, must notify the Office of the State Fire Commissioner of the adoption of the tax credit ordinance.

For more information, please visit the Office of the State Fire Commissioner's [website](#).

NLC and U.S. Treasury Briefing: How to Use ARPA Funds for Housing December 8 from 3:00 to 4:00 PM

The National League of Cities will host a discussion with the US Treasury on how municipalities can use their State and Local Fiscal Recovery Funds (SLFRF) from the American Rescue Plan Act (ARPA) for investments in affordable housing production, preservation and to promote housing stability.

During the discussion, participants will learn more about the SLFRF program, its eligible uses and about recent updates to the program guidance enhancing flexibility, including for long-term loans such as Low-Income Housing Tax Credit (LIHTC) programs. The session will be followed by a brief Q&A.

[Register Here](#)

Statewide Broadband Plan Adopted

On November 17th, The PA Broadband Development Authority voted unanimously to adopt the proposed Statewide Broadband Plan. The Commonwealth was required to adopt a Statewide Broadband Plan by December 22, 2022 under Act 96 of 2021. The Plan was developed over several months with input from experts, industry leaders and stakeholders, including local government. It is a living document, outlining the goals and steps needed to achieve universal broadband in the Commonwealth. Please view the Statewide Broadband Plan [here](#).

Additionally, the Authority recently received federal planning grants - \$1.6 million for Digital Equity and \$5 million for Broadband, Equity, Access and Development or BEAD. These funds will be used to develop the Commonwealth's five-year action plan. The Authority will be issuing an RFP for a consultant to assist with the five-year plan, which must be completed by mid-August 2023. The Authority has also hired Penn State Extension to assist with a statewide mapping project and any challenges that need to be made to the FCC maps.

The meetings of the Authority and its Subcommittees are public meetings and a schedule of future meetings can be found on the Authority's [website](#).

PennDOT Infrastructure Investment and Jobs Act Website

As we celebrate the first anniversary of the Bipartisan Infrastructure Law, PennDOT has published a [website](#) dedicated to the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law, and specifically the federal discretionary programs available. This site will be continually updated as more information and grants become available. If you have any questions, please contact PennDOT at RA-PDTRANSFEDFUNDOPP@pa.gov.

Enacted Legislation

Act 104 of 2022

House Bill 397

Signed: November 3, 2022

Effective: January 2, 2023

[Act 104](#) amends 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 fire or EMS 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 Act increases the ten-year limit and allows merged companies to receive the aggregate grant amount for up to 20 years. The maximum amount of a grant for a fire company is increased from \$15,000 to \$20,000, and the maximum amount of a grant for an EMS company is increased from \$10,000 to \$15,000. The Fire Relief Formula Study deadline is also 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. The Act allows for the use of a resolution to proscribe a process to reject claims that do not satisfy program criteria.

Additionally, the Act enables the funding authorized by Act 74 of 2022, which amended the Fireworks Law and redirected fireworks revenue to public safety. The revenue will 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 Act requires the Fire 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. A pilot program for high school students to receive EMS education is also established under the Act.

Finally, the Act allows the 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.

Act 126 of 2022

House Bill 2210

Signed: November 3, 2022

Effective: January 2, 2023

[Act 126](#) amends 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.

Act 130 of 2022

House Bill 2398

Signed: November 3, 2022

Effective: Immediately

[Act 130](#) amends Title 75 (Vehicles) allowing for the operation of highly automated vehicles (HAV) and platoons with or without a human driver. This Act only applies to vehicles 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. Act 130 removes 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 Act, includes 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 is not required for successful applicants. PennDOT has 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 Act also specifies how law enforcement would cite a HAV with or without a driver. The automated system of the vehicle is 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 is the regulatory authority over HAVs and is responsible for establishing policies and regulations regarding the operation of HAVs. PennDOT must 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 is required to publish a list of all certificate holders on their website, including the location where the vehicle is expected to be operated and the 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 is 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 Act supersedes all local ordinances, policies and rules regarding HAVs. It does 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 is required to maintain a minimum of \$1 million for liability for any accidents. Additionally, the Act provides 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 are not subject to the same equipment laws as vehicles with a driver physically present that are not relevant to a HAV's operation – for example, windshield wipers.

Act 149 of 2022

Senate Bill 439

Signed: November 3, 2022

Effective: January 2, 2023

[Act 149](#) amends 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 is collected through the Recorder of Deeds Office for each deed and mortgage to fund a demolition program for a 10-year period. This Act removes the 10-year sunset date.

Act 151 of 2022

Senate Bill 696

Signed: November 3, 2022

Effective: May 2, 2023

[Act 151](#) amends the 2005 Breach of Personal Information Notification Act. Among other updates, it adds new language regarding notification requirements of counties, schools and municipalities of a breach.

The Act requires notice be provided within seven days following a determination of a breach to those impacted. Notification to the district attorney of the county where the breach occurred is required within three business days following the determination. In the case of a breach of information containing a username and password or security question, notice may be by email directing the impacted parties to protect their account by changing their password and security questions.

The Act sets similar notification standards for a breach at the state level, as well as setting encryption and data storage guidelines for entities storing data on the Commonwealth's behalf.

Act 155 of 2022

Senate Bill 1027

Signed: November 3, 2022

Effective: January 2, 2023

[Act 155](#) amends the Child Labor Act permitting a minor, who must be at least 17 years old, to enter a burning structure in order to conduct live burn volunteer firefighter training. The minor must have permission from both the fire chief and their parent or guardian. Lastly, the minor must be supervised by a credentialed PA State Fire Academy instructor during the live burn training exercise.

Need Transportation Help? Submit Your Interest for New Thriving Communities Program

A little bit of help can go a long way with local transportation projects. America's cities, towns and villages have made the need for a federal transportation partnership model clear, particularly one that meets local governments where they are. In response, Congress appropriated \$25 million for the new [Thriving Communities Program](#) (TCP), and this year the U.S. Department of Transportation is setting it in motion.

To make it easier for communities, USDOT set up a [Letter of Interest Worksheet](#) to ensure you have all the information in advance to submit your interest. The deadline is firm and it is December 6, 2022, by 11:59 p.m. (EST) using [DOT's online webform](#). You can also sign up to receive program updates by email. For questions, contact ThrivingCommunities@dot.gov.

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