

Legislative Locator

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



**Legislative
Locator**

March 2023

Act Now to Advocate for an Insurable Post-traumatic Stress Injury Benefit for First Responders

Senate Bill 365, introduced by Senator Camera Bartolotta, would amend the Workers' Compensation Act providing first responders with an enhanced post-traumatic stress injury (PTSI) benefit. While the bill has not yet been scheduled for Committee consideration, it has the strong support of first responders throughout the Commonwealth. From the public employer perspective, however, this bill is fiscally irresponsible, and we need your help to bring Senate members' attention to its flaws.

The League and PSATC oppose Senate Bill 365 in its current form, as it places a broad and expensive unfunded mandate on local governments. We are seeking a compromise that will acknowledge and provide a fair benefit for first responders that is sustainable for the employer, while minimizing the potential for specious claims.

Please help our advocacy efforts by sending a letter to your Senator expressing the need to amend Senate Bill 365 to make it a more financially responsible and insurable benefit.

Simply click on the Take Action button below and fill in your contact information to send the prepared letter to your Senator.

PLEASE ONLY SEND THE LETTER TO YOUR SENATOR.

Take Action

Governor Shapiro's 2023/2024 Budget Address

On March 7, Governor Josh Shapiro gave his first budget address in office to a joint session of the state Legislature. The proposed 2023/2024 budget is \$44.4 billion, which is a 3.8 percent increase over the previous budget. The budget includes no tax increases.

While the budget focuses on public safety, property tax reform and education, the Governor requests several direct allocations to programs affecting local government. The budget outlined several areas of impact for local government: \$1.25 million is proposed for the Department of Community and Economic Development (DCED) to assist municipalities with planning resources, \$8.6 million set for the Keystone Communities Program to provide program support and operational assistance, \$1.2 million towards county and municipal health departments' operating budgets, as well as \$1.5 million to the Municipal Assistance Program. The budget also proposes an annual \$2,500 tax credit for up to three years for newly licensed or certified police officers, teachers and nurses.

The budget also creates the Public Safety and Protection (PSP) Fund for the State Police, which will receive funding from the liquor tax, other tobacco products tax, a portion of the motor vehicle sales and use tax and various restricted revenues related to PSP services. The budget proposes a

\$400 million transfer to the PSP Fund from the Motor License Fund, and continues the transfers by \$100 million a year until there is no further reliance by fiscal year 2027/2028. This will free up \$1.5 billion for road and bridge projects over the next five years. The current 911 surcharge of \$1.65 will increase to \$2.03, also set to grow with inflation. It will supplement \$54 million for first responders.

In addition, the budget provides the first expansion of the eligibility and maximum rebate portion of the Property Tax Rent Rebate Program since 2006. The budget proposes increasing the income cap for both renters and homeowners to \$45,000, which will grow with inflation. The rebate cap amount will be increased from \$650 to \$1,000. The program is estimated to reach 173,000 new individuals and increase benefits for about 400,000 individuals.

Lastly, the budget proposes \$567.4 million, a 7.8 percent increase, to basic education funding through the Fair Funding Formula. Also, \$38.5 million is allocated to continue free school breakfasts for students. Governor Shapiro also announced his support for increasing the minimum wage to \$15.00, eliminating the state cell phone tax, and the budget sets \$105 million for the Violence Intervention and Prevention Program to find community based solutions in community violence.

For more information on the Governor's budget, please [click here](#).

Cosponsor Memos

Expanding Land Bank Opportunities to All Municipalities

Representative Robert Freeman has announced intention to introduce legislation removing the population size stipulation associated with land bank jurisdictions to allow municipalities of all sizes to establish a land bank on a voluntary basis. Currently only municipalities with a population of 10,000 or more are authorized to establish a land bank.

COLA for Municipal Police Officers and Firefighters

Representative Martina White has announced intention to reintroduce legislation, formerly House Bill 2237, providing municipal police officers and firefighters with a cost of living adjustment (COLA) based on the number of years the officer or firefighter has been retired.

Dedicated Municipal Property Tax for Municipal Police Departments

Representative Jack Rader has announced intention to reintroduce a bill package allowing First Class Townships, Second Class Townships and Boroughs to dedicate up to three mills to support their municipal police department following a referendum.

Legislation Affecting Local Government

Local Preemption Regarding Utility Services

House Local Government Committee, March 9, 2023

[Senate Bill 143 \(PN 388\)](#), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) preempting municipalities regarding utilities and sources of energy.

A municipality would be prohibited from adopting a policy that: restricts, or has the effect of restricting or prohibiting, the connection or reconnection of a utility service based on the source of energy; the ability of an individual or entity to use an authorized utility provider; or discriminates against a utility service provider based on the nature or source of the service.

The bill would preserve a municipality's authority to: manage or operate a publicly owned utility; reduce greenhouse gas emissions from municipal facilities and operations; and exercise land use authority in accordance with the Municipalities Planning Code.

Local Government Advertising Flexibility

Senate Local Government Committee, January 31, 2023

[Senate Bill 231 \(PN 199\)](#), introduced by Senator John DiSanto, would amend Title 45 (Legal Notices) providing local governments with various, more modern methods of advertising.

When an advertisement is required by law, a local government would be able to choose from a menu of advertising options, including: a newspaper printed or circulated generally in the local government's county; the public website of the local government; or the public website of a newspaper or website with a primary purpose for posting advertisements. In addition to the required publication, a local government would be required to post a copy of the advertisement at its principal office. If a local government is unable to post the advertisement at its principal office, the county would provide a space where the local government would be responsible for posting the advertisement.

Local governments would also be required to adopt a resolution declaring their intent to use one or more advertising methods listed in the bill. Local governments would provide public notice regarding the passage of the resolution and intent to use alternative advertising methods.

Post-Traumatic Stress Injury in First Responders

Senate Labor and Industry Committee, February 21, 2023

[Senate Bill 365 \(PN 309\)](#), introduced by Senator Camera Bartolotta would amend the Workers' Compensation Law providing first responders with a benefit for a post-traumatic stress injury (PTSI) if it is established by a preponderance of the evidence that the injury resulted from a normal or abnormal working condition sustained in the course and scope of the individual's employment.

Under this bill, injuries must be based on an examination and diagnosis by a licensed psychologist or psychiatrist. Claims must be filed within three years of the date of diagnosis. Injuries diagnosed after the last date of employment shall not prohibit a claim against the employer at the time of first responder's direct exposure. Finally, a PTSI caused by an employment action is not compensable.

First responders would be defined as professional or volunteer firefighters, members of a volunteer ambulance corps, members of volunteer rescue squads, emergency medical services employees, paramedics, Pennsylvania State Police officers and peace officers.

Local Use of Radar

Senate Appropriations Committee, March 8, 2023

[Senate Bill 459 \(PN 383\)](#), introduced by Senator Greg Rothman, provides for local use of radar. As in prior sessions, a municipality must adopt an ordinance to use radar and officers must complete an approved training course.

Officers would be able to enforce speed using radar from or adjacent to a clearly marked vehicle that is visible to those driving. A minimum of four official signs warning drivers of local police radar enforcement would need to be installed along the main roads within 500 feet of municipal borders. During the first 90 days of radar enforcement, individuals pulled over for speeding would only receive a written warning.

The bill further provides for speed enforcement restrictions, including the prohibition of points on a driver's license, the prohibition to ticket unless a motorist is traveling 10 MPH or more over the speed limit and 6 MPH or more over in a school zone, and the prohibition of using radar in the immediate area (500 feet) of a sign decreasing the posted speed.

Under the bill, the municipal share of revenue generated from the use of radar may not exceed one percent of what a municipality received in the prior year. Funds exceeding the one percent would be remitted to the Motor License Fund.

Municipal Police Pension Credit Buy Back

[Senate Bill 464 \(PN 449\)](#), introduced by Senator Mike Regan, would amend Title 53 (Municipalities Generally) requiring municipalities to provide full-time vested police officers the option to purchase up to five years of their previous part-time or full-time employment for pension benefit purposes. This bill would not apply to cities of the first class.

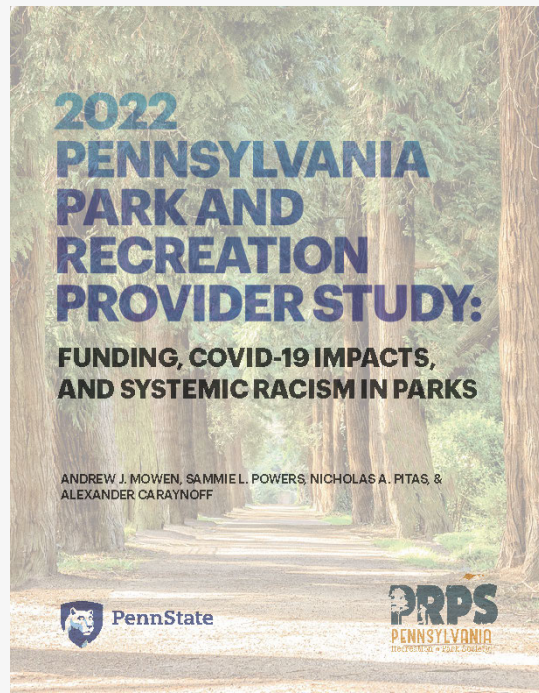
The bill provides for the calculation to determine the cost to an officer. A police officer would be ineligible to receive this benefit if the officer receives or is entitled to receive a pension benefit from another fund, or if the officer's military service credits when combined with past police service credits exceeds five years.

Lastly, this bill would not impact the portability and transfer of credits between pension plans within the PA Municipal Retirement System.

2022 PA Park and Recreation Provider Study

Please view the results and final report of a Penn State study regarding the impact of COVID-19 and systemic racism on parks and recreation in communities across the Commonwealth.

View the report [here](#).



2023 Public Comment Period for the 12-Year Program Update

The State Transportation Commission (STC) and the Pennsylvania Department of Transportation are excited to announce the 2023 Public Comment Period for the update of the 12-Year Program. The Public Comment Period is open March 1 through April 30, 2023.



The STC recently released the 2023 [Transportation Performance Report](#) (TPR). This report contains information about how Pennsylvania's transportation system performed over the last two years. PennDOT encourages you to read and then complete their [Transportation Survey](#) online to provide your feedback.

PennDOT will also host an Online Public Forum on April 12 featuring a presentation from PennDOT officials and a live Q&A session. More details on the forum to come.

Local Government Priorities in the President's Budget Proposal

On March 9, 2023, President Biden released his proposed budget for Fiscal Year 2024 (FY24). The President's Budget communicates the Administration's spending priorities to Congress, which is the first step in the federal budget and appropriations process. Although the President's proposed budget is a good indicator of the Administration's priorities, local leaders should keep in mind that the specific funding levels described in this blog are not final and will likely change as a result of negotiations with Congress before enactment.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2023

House:

April 24-26

May 1-3, 22-24

June 5-7, 12-14, 20-22, 26-30

Senate:

April 24-26

May 1-3, 8-10

June 5-7, 19-23, 26-30

**reminder - session dates are subject to change*



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

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