

# Legislative Locator

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



July 2023

## Summer Recess Advocacy Take Actions

While the General Assembly is back in their district offices until mid-September, please take time to meet with your House and Senate members on the following legislative priorities. Our Governmental Affairs staff is available to assist you in preparing for a meeting and would also join virtually, if requested.

### Local Use of Radar – A public safety initiative

[Senate Bill 459](#) awaits further consideration in the Senate Appropriations Committee. We anticipated this bill to quickly pass the Senate due to its history of nearly unanimous Senate support, however, the bill is currently stalled as Senator Greg Rothman works on amendments. Meanwhile, Representative Kyle Donahue, along with a few Democratic colleagues, has introduced [House Bill 1368](#), which is very similar to its Senate companion. Please continue to express your support to your House and Senate members so local use of radar can get done in 2023.

### Post-Traumatic Stress Injury – An unfunded mandate needing compromise

With little warning, the Senate Labor and Industry Committee brought up [Senate Bill 365](#) for consideration and unanimously passed it out of committee during the last week of June. The bill was amended to make obtaining a PTSI benefit even easier, having a worse and potentially more expensive impact on municipalities than the original bill. The League, PSATC and other local government organizations sent [a letter](#) of opposition and will continue to strongly oppose the bill if a fair and fiscally responsible compromise is not negotiated. Please reach out to your Senators expressing our concerns with this unfunded mandate and the need to come to a compromise that will provide a PTSI benefit for first responders that is both fair and fiscally sustainable.

### Public Notice Modernization – Flexible local options

Senator John Disanto's public modernization bill, [Senate Bill 231](#), is in a holding pattern in the Senate Local Government Committee. Chairwoman Rosemary Brown is hesitant to bring the bill up for consideration, as she is not convinced this truly increases the costs on local government. We collected and provided data to the Committee detailing the costs and issues some municipalities have with newspapers to meet the advertising requirements. Despite this, the bill has yet to move. Please reach out to your Senator, especially those that serve on the Senate Local Government Committee, and ask that he or she contact Chairwoman Brown in support of moving this bill out of Committee.

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## The State Budget is in Limbo

[House Bill 611](#), the general appropriations bill, passed the House in early June along party lines. The Senate amended and passed the bill back over to the House for concurrence on June 30,

then left Harrisburg with a return date of September 18. In its current form, House Bill 611 provides for a \$45.07 billion budget which is a \$4.3 billion increase in spending over last year.

One of the amendments added by the Senate is the authorization for school vouchers. School vouchers are a non-starter for House Democrats, a priority for Senate Republicans, and an issue supported by the Governor.

On July 5, however, Governor Shapiro indicated he would veto the school voucher line item in the budget if the House concurred on the Senate version stating he did not want the budget to be held up over vouchers. With that promise, the bill then passed the House 117-86.

Before the Governor can receive the bill, it must be signed by the Senate when it is in session, and currently, there is no indication the Senate will return before September. Additionally, the Fiscal Code legislation that accompanies the budget and authorizes the spending outlined in the budget remains unfinished.

In another twist, Democratic Representative Sara Innamorato has resigned from her seat, as she is running for the Allegheny County Executive. This leaves the House tied 101-101 in a highly contentious time. Speaker McClinton has signed a writ for a special election to be held on September 19 before the House returns on the 26<sup>th</sup>. Based on the rules adopted by the House, and should a vacancy occur, the political party that won the seat in the preceding general election shall remain the party that won the seat until a special election is held to fill the seat. Because of this rule, the House leadership will remain status quo until the special election.

We will provide an update on spending of interest to local government once the budget is finalized and signed by the Governor.

## Legislation Affecting Local Government

### Protecting Local Governments from a Newspaper's Failure to Advertise

*Location: First Consideration in the House, June 14, 2023*

[House Bill 88 \(PN 77\)](#), introduced by Representative Brett Miller, would amend Titles 45 (Legal Notices) and 65 (Public Officials) regarding the satisfaction of the legal advertising requirement.

Under this legislation, a political subdivision or municipal authority that submits an advertisement to a newspaper of general circulation and simultaneously posts a redundant advertisement on its website would meet the legal advertising requirements in the event the newspaper fails to publish notice as requested. A political subdivision or municipal authority holding a meeting under the redundant advertisement would be required to enter into the record a copy of the advertisement and proof that the advertisement was purchased in a timely fashion.

### Expansion of Municipal Permit Denials Due to Blight

*Location: Passed the House July 7, 2023*

[House Bill 859 \(PN 1716\)](#), introduced by Representative Dan Williams, would amend Title 53 (Municipalities Generally) expanding the current municipal permit denial for serious code violations or delinquencies to property owned by a Limited Liability Corporation (LLC).

Under this legislation, a municipality may deny issuing a permit to an LLC if the applicant owns property with delinquencies or violations of state or municipal codes. The LLC must disclose in writing at the time of the application any delinquencies or failures to abate serious state or municipal code violations on property it owns anywhere in the Commonwealth. Failure to disclose the information will result in a \$1000 fine payable to the municipality. Permits may not be denied if necessary to correct a violation.

### Statewide Blight Registry

**Location: House Rules Committee, June 26, 2023**

**House Bill 1062 (PN 1717)**, introduced by Representative Sturla, would add a new subchapter to Act 90 of 2010 – The Neighborhood Blight Reclamation and Revitalization Act. The bill would establish a blight registry under purview of the Department of Community and Economic Development (DCED) for serious code violations that remain unabated for at least one year. Municipalities would have the option to report unabated violations to the registry on electronic forms developed by DCED. The database would be free, accessible and searchable to all municipalities and the public.

Municipalities may utilize the database information when reviewing municipal permit applications and may use the reported information in deciding to deny a permit application. The Commonwealth and Attorney General may also use the database when considering state level applications.

The bill would provide property owners listed on the registry with a hearing process and the ability to provide proof of code compliance to DCED to have their name removed from the registry.

DCED shall issue guidelines to ensure the accuracy of the database and may engage a third-party to assist in carrying out its responsibilities under the bill.

Municipalities choosing to utilize the registry may impose a penalty of \$1,000 per serious code violation in addition to any other applicable fees or charges. The penalty, minus administrative costs, shall be remitted to DCED on a quarterly basis to help pay for the registry.

House Bill 1062 includes an appropriation of \$1 million to assist DCED with establishing the registry.

## **COLA Increase for Retired Municipal Police and Fire**

**Location HB 1379: House Local Government Committee, June 12, 2023**

**Location SB 854: Senate Law and Justice Committee, July 6, 2023**

**House Bill 1379 (PN 1539)** and **Senate Bill 854 (PN 1010)**, introduced by Representative Steven Malagari and Senator Tracy Pennycuick respectively, would amend Act 147 of 1988 known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act mandating a COLA to retired municipal police officers and firefighters on the following schedule:

- \$75/month if retired for at least 5 years, but less than 10;
- \$150/month if retired for at least 10 years, but less than 20; and
- \$300/month if retired for at least 20 years.

If a retiree is receiving more than one municipal pension, COLA payments would be reduced so that the retiree's payment does not exceed the amount specified above. Further, if the retiree is receiving payments under the 2002 adjustment, the payment would be reduced.

The bill would provide reimbursement from the Act 205 Municipal Pension Plan Funding Standard and Recovery Act. Municipalities must submit a certification to the Auditor General by April 1 of each year to receive reimbursement, which would be placed into the municipality's general fund.

## **Electronic Transmittals of Land Use Ordinances and Comprehensive Plans**

**Location HB 1477: House Local Government Committee, June 21, 2023**

**Location SB 754: Second Consideration in the Senate, June 7, 2023**

**House Bill 1477 (PN 1663)** and **Senate Bill 754 (PN 799)**, introduced by Representative Ismail Smith-Wade-El and Senator Rosemary Brown respectively, would amend the Municipalities Planning Code allowing a municipality, including a county, to provide proposed or adopted land use ordinances, amendments and comprehensive plans in electronic format for review in

addition to any required certification. A municipality must retain a written or electronic record of all electronic transmittals and comments.

## Act 47 and Home Rule

**Location SB 784: House Local Government Committee, July 5, 2023**

**Location HB 1385: House Local Government Committee, June 12, 2023**

[Senate Bill 784](#) (PN 880) and [House Bill 1385](#) (PN 1544), introduced by Senator Tim Kearney and Representative Lee James respectively, would amend the Home Rule and Optional Plans Law. The legislation would provide an alternative process for Act 47 communities to establish a new, or make amendments to, a home rule charter.

Under the legislation, if the governing body of an Act 47 community has adopted a recovery plan that recommends the adoption of a home rule charter, it may vote to organize a home rule study commission. The commission would be comprised of each member of the governing body, the mayor (if applicable), and the Act 47 coordinator as an *ex officio* member.

Once organized, the study commission would have the normal responsibilities of a study commission. It must also consider: the recommendations in the Act 47 recovery plan; the municipal services currently provided and if they can continue under home rule; and the sources of fiscal and managerial dysfunction and whether then can be improved under home rule.

The Act 47 coordinator would be responsible for holding a public hearing after the study commission publishes its findings. The coordinator is required to testify as to the sustainability of the proposal to address fiscal distress.



## NATIONAL LEAGUE OF CITIES UPDATE

### 2024 Federal Budget: Fewer Grants, More Earmarks in Store for Cities

The debt ceiling deal House Republicans and the White House reached in May to avoid a federal government default also included new federal spending limits for the next two years. For non-defense discretionary grant programs important to cities and towns, the new limits mean inflation is set to outpace federal spending. If Congress honors the spending limits in the deal, it will mean cuts for some, but probably not all, federal grant programs directed at cities and towns.

[Read More](#)

## HOUSE AND SENATE SESSION DAYS 2023

### House:

September 26-27

October 2-4, 16-18, 30-31

November 1, 13-15

### Senate:

September 18-20

October 2-4, 16-18, 23-25

November 13-15

*\*reminder - session dates are subject to change*



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