

Legislative Locator

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



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Locator**

November 2023

First Responder PTSI Bills Would Create an Expensive Unfunded Mandate

House Bill 1632, introduced by Representative Jennifer O'Mara, is anticipated to come up for consideration by the House Veterans Affairs and Emergency Preparedness Committee in December. This bill is fiscally irresponsible, and we need your help to bring attention to it prior to the Committee meeting.

The League is strongly opposed to HB 1632 as written and has [requested](#) a compromise that will provide a fair PTSI benefit for both first responders and employers.

Please place a phone call or send an email to your Representative today expressing the need to create a more sustainable and fiscally responsible solution to providing a PTSI benefit. Please view our [PTSI talking points](#) to assist you with your local advocacy efforts.

Newly Elected Official Affidavits of Residency

Prior to taking the Oath of Office, each newly elected official in a third class city, borough, or first class township must present a signed affidavit to the city clerk, secretary or manager attesting to continuous residency for one year preceding the individual's election. This affidavit is a qualification for office.

Please see the following sections of the codes:

- [Section 11001](#) of the Third Class City Code
- [Section 501](#) of the First Class Township Code
- [Section 801](#) and [Section 901](#) of the Borough Code

Each municipality should reach out to its newly elected officials and provide notice of this requirement well in advance of January's swearing-in ceremonies. [Click here](#) for a sample residency affidavit. Your solicitor should approve the affidavit prior to its use.

Please pass along to incoming elected officials:

NEWLY ELECTED OFFICIALS TRAININGS



The Pennsylvania Municipal League will be hosting a three-part virtual webinar program, with a recap in June, for newly elected officials and those looking for a refresher. Topics for this program will range from Practical Ethics and Human Resources, Social Media, Labor and Employment Laws, Legislation, how to run a meeting, and the ABC's for Newly Elected Officials.

We will also be piloting our Newly Elected Officials Mentorship Program, which will pair new officials up with senior officials.

- 1 Friday, January 5th from 9am - 12pm
- 2 Friday, January 12th from 9am - 12pm
- 3 Friday, January 26th from 9am - 12pm
- 4 Friday, June 7th from 10am - 12pm

The cost of this program is \$275; League, PELRAS, APMM, and PSATC members will get a 20% discount by using this code: **PMLMember24**

Cosponsor Memos Affecting Local Governments

Addressing Housing Affordability by Preempting Municipal Zoning Authority

Representative Joshua Siegel has announced his intention to introduce legislation introducing a three bill package to address affordable housing, including: allowing for multi-family dwellings and mixed use development in areas zoned for office; requiring municipalities with more than 5,000 residents to permit duplex, triplex and quadplex in single-family zone districts; and encouraging single-exit stairwell designs.

Senator John DiSanto has announced his intention to introduce legislation granting automatic right to use manufactured housing and accessory dwelling units in single-family zoning districts in addition to alleviating other zoning restrictions to encourage the development of affordable housing.

Enacted Legislation

Act 15 of 2023

House Bill 1351

Signed: October 23, 2023

Effective: Immediately

[Act 15](#) amends the Human Services Code requiring Medicaid to reimburse EMS agencies for 100 percent of miles traveled with a patient on board starting on January 1, 2024. The reimbursement

amount is the greater of the highest state's Medicaid reimbursement rate and the federal Medicare rate.

Act 23 of 2023

Senate Bill 694

Signed: November 1, 2023

Effective: Immediately

[Act 23](#) amends Title 3 (Agriculture) Chapter 11 (Fireworks) repealing the National Fire Protection Association Standard (NFPA) 1124, Code for Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles. The NFPA Standards Council removed this requirement in 2022, and it no longer applies to retail sales, storage or use of consumer fireworks by the public. By repealing NFPA 1124, it eliminates the need for the Department of Agriculture to enforce a standard that is no longer applicable. Additionally, the Act requires an individual or entity that performs, provides or supervises consumer or display fireworks for profit to register annually with the Office of Attorney General. This registration can be shown to police upon request.

Legislation Affecting Local Government

Local Amusement and Admissions Tax Exemption

First Consideration in the House, October 18, 2023

[House Bill 1301](#) (PN 1420), introduced by Representative David Zimmerman, would amend the Local Tax Enabling Act clarifying that admissions to a recreational campground are exempt from locally enacted amusement or admissions taxes.

Electronic Transmittals of Land Use Ordinances and Comprehensive Plans

Senate Local Government Committee, November 21, 2023

[House Bill 1477](#) (PN 1663), introduced by Representative Ismail Smith-Wade-El, 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.

Municipal Preschool Recreation Programs

First Consideration in the House, November 14, 2023

[House Bill 1746](#) (PN 2304), introduced by Representative Mary Jo Daley, 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.

Municipal Waste Recycling Fee

First Consideration in the House, November 15, 2023

[House Bill 223](#) (PN 182), introduced by Representative Mary Isaacson, would amend the Municipal Waste Planning, Recycling and Waste Reduction Act increasing the recycling fee that landfill operators pay from \$2 to \$5 per ton of waste received at their landfill.

Expanding Public Comment Under The Sunshine Law

First Consideration in the House, November 15, 2023

[House Bill 1810 \(PN 2242\)](#), introduced by Representative Liz Hanbidge, would amend the Sunshine Law adding a new definition for “person of interest.” This new definition would allow a resident of an adjoining municipality, a nonresident receiving services from an authority or an elected official representing an impacted community to provide public comment before the local governing body takes official action on a matter of concern. The bill would allow for one representative to be designated to speak on behalf of all nonresidents and affected municipalities.

COLA Increase for Retired Municipal Police and Fire

First Consideration in the Senate, October 17, 2023

[Senate Bill 854 \(PN 1010\)](#), introduced by Senator Tracy Pennycuick, would amend Act 147 of 1988 known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act mandating a cost of living adjustment (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 at least 10 years, but less than 20; and
- \$300/month if retired 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 is 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.

Statewide Digital Equity Plan Public Comment Period Now Open

The Pennsylvania Broadband Development Authority (PBDA) has drafted its Statewide Digital Equity Plan, as is required through the National Telecommunications and Information Administration’s Digital Equity Act. The plan outlines the disparities in digital equity across the commonwealth, existing assets that are in place to bridge the digital equity divide, how the PBDA engaged with a diverse set of stakeholders, industry leaders and subject matter experts, and how the PBDA will implement this plan across the state.

The draft Plan is now available for review and feedback. Input on the draft Plan is vital to its success and will ensure that the PBDA has listened and incorporated experience and needs from every corner of the state.

The public comment period is now open [and will close at 12PM EST on Monday, January 8, 2024.](#) To view the draft plan and submit comments, please visit the [PBDA Digital Equity Act website](#).

HOUSE AND SENATE SESSION DAYS 2023

House:

December 11-13

Senate:

December 11-13

**reminder - session dates are subject to change*



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