

Legislative Locator

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



April 2021

The Capitol Conference is Back in 2021!

After the conference was cancelled last year due to the pandemic, The League will hold its Capitol Conference virtually on May 3rd and 4th!

The 2021 Capitol Web Conference has a packed [agenda](#) featuring keynote speaker Governor Wolf, as well as an in-depth panel discussion with the chairs and minority chairs of the House and Senate Local Government Committees. Other sessions include a local use of radar update from bill sponsor Senator Mario Scavello and House Transportation Chairman Tim Hennessey; a panel with PennDOT to discuss transportation funding, innovations and its impacts on local governments; a legal update on Acts 17, 57 and 59 of 2020 by Campbell, Durrant, P.C.; and a small cell facilities update from the Cohen Law Group. Last but not least, our partners at the National League of Cities will join us to provide an update on the American Rescue Plan Act and the American Jobs Plan.

Registration for the conference is open, so secure your spot today!

[Register Now!](#)

American Rescue Plan Resources

The U.S. Department of Treasury has [released its initial guidance](#) advising all communities to begin preparing certain information in order to receive funding from the Coronavirus State and Local Fiscal Recovery Fund under the American Rescue Plan Act. Treasury is still working on developing further guidance to implement the rest of the American Rescue Plan and will update their webpage as they release more information. **Please visit the Treasury's website and take action now in preparation to receive funding.**

Additionally, our partners at the National League of Cities developed resources for the American Rescue Plan Act while we await Treasury guidance. You can find these resources and other information regarding the Act's implementation on our [website](#). We will continue to update our website and provide information as it becomes available.

- **Local Recovery: Five Principles for ARP Implementation**

What do you need to do to prepare to receive funds from the American Rescue Plan Act? NLC's Federal Advocacy team has offered some [principles to keep in mind to help guide your plan for recovery](#).

- **Local Relief Frequently Asked Questions**

NLC has identified your [frequently asked questions](#) about Coronavirus Local Fiscal Recovery Fund grants, and we have provided answers based on available information to help you prepare while we all wait for official guidance. These answers will be updated when additional information becomes available.

- **American Rescue Plan Act Summary of Provisions**

The American Rescue Plan (ARP) Act of 2021 is a robust \$1.9 trillion economic stimulus bill, and NLC has created an [extensive, searchable summary of provisions in this legislation relevant to municipalities and local leaders](#).

Support Fire Services on May 18th Vote “Yes” to Expand Loan Eligibility

Pennsylvanians have an opportunity on the May 18th ballot to support the expansion of a low-interest loan program to include fire departments and EMS companies that employ career personnel.

Since 1975, the Volunteer Loan Assistance Program, created by statewide referendum, has provided over \$500 million in low-interest loans to volunteer departments helping them modernize facilities and equipment.

In 2018, the unanimously supported recommendations of Senate Resolution 6 called for an expansion of this loan program to include departments staffed with career personnel.

This expansion does not take any resources away from our volunteers, but recognizes a need among career departments to also make investments in modern equipment by offering a new resource.

Please [click here](#) to view a flyer outlining support for this measure from leading partners in fire service across our Commonwealth. Please post this flyer on your municipal websites.

Cosponsor Memos

Increasing the Number of Appointed Municipal Engineers

Representatives David Zimmerman and Tina Davis have announced intention to introduce a package of bills amending the Borough, First Class Township, Second Class Township and Third Class Cities Code requiring these municipalities to appoint at least two engineers through a competitive bidding process.

Borough Code Physical Quorum

Representative Perry Warren has announced intention to introduce legislation amending Title 8 (Boroughs) removing the language counting only physically present council members toward the required quorum.

Municipal Police Pension Optional Buyback

Senator Mike Regan has announced intention to introduced legislation permitting full-time officers to buy back previous full or part-time police employment service for pension benefit purposes.

Legislation of Interest

Utility Fair Share Roadway Repair Act

[House Bill 1076](#) (PN 1112), introduced by Representative Gerald Mullery, would create the Utility Fair Share Roadway Repair Act.

Any public utility or municipal authority that alters, excavates, disrupts or disturbs a state or municipal road would be responsible for the complete repaving and repair of the road from curblineline to curblineline. The repairs would restore the roadway to the same or better condition than existed prior to its alteration and be completed to the satisfaction of the Secretary of the Department of Transportation or municipal public works director, depending if the work was completed on a state or municipal road.

Except in an emergency, the public utility or municipal authority would need to notify the Secretary or municipal public works director prior to any repairs or replacement of underground utilities, and the road would need to be completely repaired within 90 days of completing the utility work.

The Secretary or municipal public works director, within one year of the roadway repair, may file a complaint against a public utility with the Public Utility Commission or against a municipal authority with the Court of Common Pleas for any insufficient, defective or noncompliant repairs to the road.

Location: House Local Government Committee, April 1, 2021

Code Official Apprenticeship Certification

[House Bill 1089](#) (PN 1123), introduced by Representative Sheryl Delozier, would amend the Construction Code Act regarding the training of inspectors.

The Department of Labor and Industry would be able to establish separate trainee classifications for each certification category, and the training would be optional for all individuals seeking certification as a code official. An individual seeking certification would be required to secure the sponsorship of an individual certified in each category for which the trainee seeks certification, and each sponsor would need to be verified by an affidavit.

A trainee classification would be non-renewable and limited to a two-year period for residential and accessibility certification categories and a three-year period for all other categories. Trainee inspectors would be able to learn under the direct supervision of their certified sponsor. The trainee would only be able to conduct inspections if accompanied by an individual certified in the category of the work that is the subject of the training.

The Department may establish fees, registration and application procedures for the trainee classification program.

Location: House Labor and Industry Committee, April 5, 2021

Implicit Bias and Discrimination Training for Public Employees

[House Bill 1140](#) (PN 1192), introduced by Representative Mark Rozzi, would create the Race, Discrimination and Forms of Bias Training Act.

The Pennsylvania Human Relations Commission would be required to develop training to mitigate social bias and improve cultural understanding, and such training would need to be completed by public employees every two years. The training course would be conducted online, and the Commission would provide documentation of successful completion of training to both the employee and employer.

Under this bill, employee would be defined as an individual who holds public office or is employed by the Commonwealth or other agency, including a political subdivision.

Location: House State Government Committee, April 7, 2021

Ethics Standards for Act 47 Appointees

[House Bill 1171 \(PN 1227\)](#), introduced by Representative Robert Freeman, would amend the Municipalities Financial Recovery Act bringing the appointed coordinator, who works directly with financially distressed municipalities on behalf of the Department of Community and Economic Development (DCED), in compliance with existing ethical standards.

Under the bill, a coordinator may not engage in conduct prohibited by the Ethics Act and the State Adverse Interests Act, which requires individuals to avoid conflict of interests relating to ethics standards and financial disclosures. The bill would also prohibit both coordinators and receivers from receiving any compensation, fee or commission from a financially distressed municipality or any sale or lease of property or other financial transaction involving the financially distressed municipality or an authority directly or indirectly controlled by the municipality. A violation of the bill's ethics provisions by a coordinator would constitute grounds for termination of the coordinator's contract with DCED.

Further, this bill would clarify that it is not a conflict of interest for a person to be appointed as a coordinator who has previously contracted with a municipality as a coordinator, receiver, financial consultant, legal counsel or through a contract under the Early Intervention Program.

Location: House Local Government Committee, April 14, 2021

Pennsylvania Constitutional Amendment: Removal of Derelict Local Officials

[House Bill 1217 \(PN 1277\)](#), introduced by Representative Eric Davanzo, would amend Article IX of the Pennsylvania Constitution authorizing the General Assembly to establish a process for the removal of a locally elected official from office. Cause for removal shall include absenteeism from meetings and dereliction of duty. The authorization provided by this bill would not preclude the use of other provisions contained in the Constitution for the disqualification, impeachment or removal of municipal officials.

This legislation is a Joint Resolution. This means that it must pass the General Assembly in two separate legislative sessions and be advertised upon each passage in every county in the Commonwealth, followed by acceptance by the voting electorate at the next primary, general or municipal election to successfully amend the Constitution.

Location: First Consideration in the House, April 20, 2021

Local Government Week

[Senate Resolution 94 \(PN 641\)](#), introduced by Senator Cris Dush, would recognize April 14 as Local Government Day and April 11 through 18 as Local Government Week.

This resolution would show appreciation for the Commonwealth's local government officials, employees and volunteers. Pennsylvania has approximately 5,000 local government entities from school districts, townships and boroughs to cities and counties. These local governments are run by devoted individuals who provide essential services to its constituents.

Location: Senate Rules and Executive Nominations Committee, April 21, 2021

Right to Know Vexatious Requesters

[Senate Bill 552 \(PN 579\)](#), introduced by Senator Cris Dush, would amend the Right to Know Law creating a process for municipalities to seek relief from an alleged vexatious requester.

A municipality may petition the Office of Open Records (OOR) for relief from an individual alleged to be a vexatious requester. The petition must include the reason for alleging vexatiousness, including but not limited to the number and scope of requests filed, intent to harass the municipality and placing unreasonable burdens on the municipality.

The Executive Director of the OOR or a designee would need to notify the requester alleged to be vexatious within five business days of receiving the petition and that the requester may file a

preliminary response to the petition within 10 business days. The OOR must, within 15 business days, inform the municipality whether pending and new requests from the alleged vexatious requester should continue to be processed or should be stayed pending a resolution of the proceedings.

The bill would further provide for the standards and procedures for a hearing and mediation if the OOR deems such proceedings are warranted. The OOR would need to provide a final opinion granting or denying the petition within 90 calendar days. If a petition were granted, the OOR would provide the municipality with the appropriate relief, which would not last more than one year.

Any party aggrieved by the OOR's final opinion would be able to appeal the decision to the Commonwealth Court within 15 calendar days.

Location: Senate State Government Committee, April 13, 2021



NATIONAL LEAGUE OF CITIES UPDATE

Supporting Local Businesses with America's Rescue Plan

City leaders (and NLC staff!) heaved a collective sigh of relief on March 11, 2021, when Congress approved the American Rescue Plan Act with direct aid to municipalities. But the \$65.1 billion set aside for municipalities is just a fraction of the [total \\$1.9 TRILLION](#) allocated. A lesson learned from initial rounds of emergency aid is that the success of programs targeting aid to Main Street storefronts and small-business owners depends on a high level of engagement and intervention of local governments. Local leaders that want to do their part to stabilize the economy and put people back to work need to know how these programs operate and how to make these programs fit your municipalities' specific circumstances and needs.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2021

House:

May 3-5, 24-26

June 7-9, 14-16, 21-25, 28-30

Senate:

May 10-12, 24-26

June 7-9, 14-16, 21-23, 28-30

**reminder - session dates are subject to change*



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Pennsylvania Municipal League

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