



# PSATS' 2019 Legislative Priorities

**A**s the new legislative session begins, PSATS is working to promote its 2019 legislative priorities with the General Assembly and administration. These priorities are from the resolutions adopted by members at PSATS' Annual Educational Conference and Exhibit Show.

PSATS supports reforms to reimburse townships for commercial requests, protect taxpayer funds, and shield employees from harassment and identity theft.



## Reform the Right-to-Know Law

PSATS supports protections for taxpayer resources, including reforms that would allow:

- 1) charges for staff time when fulfilling requests or providing online responses;
- 2) additional commercial fees if a request will be used for resale, business solicitation, or financial benefit; and
- 3) prepayment for requests of copies of more than 200 physical pages (*current law is more than 400 pages of documents*) or if the requester owes payment for previous unpaid requests of \$50 or more.

PSATS supports reforms to protect taxpayer funds from theft and law

enforcement officers and employees from harassment and identity theft. To protect taxpayer funds from theft, credit card numbers, account numbers, user names, and passwords must be exempted from the act.

To protect all public employees from identity theft and harassment, personal identification information must be protected from disclosure, such as personal tax information, benefit participation, employee home addresses, and dependent information. To protect the law enforcement community, inmates should be limited in the types of information they may request.

# PSATS' 2019 LEGISLATIVE PRIORITIES

## Address the Volunteer Firefighter Crisis

With the recent release of the SR 6 Commission report, the time for action is now. PSATS requested that the governor convene a special session of the General Assembly to address the overwhelming challenges affecting the commonwealth's emergency responders, including but not limited to the recruitment and retention of volunteers and the availability of cost-effective, necessary, and appropriate training.

PSATS calls on the state legislature to move forward immediately on those recommendations that would support our volunteers, including the following:

- state tax credits or deductions for active volunteer emergency service providers;
- state tax credits or deductions for businesses that support volunteer emergency service providers;
- tuition credits for volunteer emergency service providers enrolled in undergraduate-level courses at a Pennsylvania university or community college; and

- a revised training standard that would recognize threat-based training options.

In addition, the legislature should act on common-sense approaches recognized by the SR 6 report:

- Fire companies should be authorized to collect reimbursement from insurance companies for expenses for responding to and cleaning up automobile accidents and

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other emergency incidents, as these incidents now take up a significant amount of time for volunteer personnel. This cost should be based on the fair market value of these services, including the use of depreciation and amortization of equipment used in these operations.

- The Volunteer Firemen's Relief Association program should be restructured to return to the original goal of providing minimum protection, including basic personal protection equipment, to all volunteer emergency service providers. In addition, legislation is needed that would allow volunteer fire departments to use fire relief funds for the recruitment and retention of volunteers under the oversight of the state fire commissioner.



All levels of government must work together with the business community, higher education, and broadband providers to close the growing digital divide.

## Provide Greater Access to High-Speed Internet

Safe deployment of high-speed internet services to unserved and underserved communities will create strong communities that are ready for the future

The commonwealth, its local governments, telecommunications providers, business, agriculture, and all citizens have a stake in reliable, high-speed internet access. This critical infrastructure superhighway of the future is essential to giving Pennsylvania a strong foundation to deliver 22<sup>nd</sup>-century economic development, education, and health care. Safe and effective deployment in all communities will enhance quality of life and ensure that residents, new and long-standing, have great places to live, work, and raise families

PSATS supports the safe and orderly deployment of both wired and wireless broadband services throughout the commonwealth to provide reliable, high-speed internet access, which is a critical component for economic development, student achievement, quality health care, and the efficiency of local governments.

All levels of government — local, state, and federal — must work together with the business community, higher education, and broadband providers to close the growing digital divide. PSATS believes that township government is a critical partner in these efforts as local officials are intimately aware of the internet access that is available, and sorely lacking, in areas of their communities.

## Provide Common-Sense Relief for Unfunded Mandates

PSATS supports common-sense mandate reform, including local government impact statements for all proposed legislation; requirements for state cost-sharing of new mandates that would financially impact local governments; and a local government mandates task force to review mandates and provide recommendations for relief.

- **A common-sense approach to stormwater management** — Municipalities are mandated to oversee the quality and quantity of public and private stormwater discharges by federal law and regulated by the state Department of Environmental Protection. PSATS supports:

- A flexible menu of cost-effective options to maximize the reduction in pollutants and sediment in the state’s waterways that doesn’t bankrupt communities or shut down economic growth. This menu should allow municipalities to work together creatively to share the burden of compliance.

- An equitable and proportional allocation of the responsibility for reducing discharges between point and nonpoint sources and funding to implement these reductions.

- Amendment of DEP stormwater regulations to streamline permitting for local governments and reduce requirements for low-impact projects. This should include changes to:

- reduce engineering and permit requirements for low-impact land use changes, such as changing agricultural fields to athletic fields;
- increase the amount of acreage that can be disturbed from one acre to five acres before a National Pollutant Discharge Elimination System (NPDES) permit is needed;
- simplify the NPDES permit application for single lots;
- impose a two-year moratorium on new requirements

for NPDES stormwater discharges from small and municipal separate storm sewer systems (MS4s); and

- streamline stormwater permitting for local governments by considering existing conditions of a project, cost, and the impact on the traveling public.

- **Modernization of outdated mandates that waste taxpayer funds** — Lawmakers should introduce and support legislation to do the following:

- Expand advertising options to include legal ads on websites and in mass-circulation community newspapers.

- Reform the Prevailing Wage Act, which requires local government and contractors to pay state-established wage rates for public works projects. This law applies to road projects that cost at least \$100,000 and all other public works projects that are \$25,000 or more.

PSATS supports adding dirt and gravel road projects to the \$100,000 threshold (*currently at \$25,000*); exempting road maintenance projects, such as resurfacing, from the Prevailing Wage Law; making state-mandated wages more accurately reflect wages paid in a municipality; and increasing the compliance threshold to \$500,000.

PSATS also supports allowing townships to opt into or out of Prevailing Wage Act requirements absent the law’s full repeal.



Lawmakers should introduce and support legislation to expand advertising options to include legal ads on websites and in mass-circulation community newspapers.

**A study is needed to determine how SWIF has used the premiums collected for coverage of volunteer firefighters.**



## Address Out-of-Control Workers’ Compensation Costs

The General Assembly must address the increased costs that municipalities have faced due to Act 46 of 2011, the Firefighter Cancer Presumption Act. As a result of this act, most insurance providers dropped firefighters from workers’ compensation coverage, leading to an increased number of municipalities that must rely on the State Workers’ Compensation Insurance Fund (SWIF) to provide coverage to their volunteer firefighters.

The state must require SWIF to allow municipalities to retain a portion of their premium that is not used to settle claims should the private market return and a municipality choose to leave SWIF. Finally, a study is needed to determine how SWIF has used the premiums collected for coverage of volunteer firefighters.

In addition, the Workers’ Compensation Act must be amended to clarify that all volunteers, not just firefighters, are covered under the act when engaged in fire company activities as authorized by the municipality.

## Balance the Financial Demands of Local Police

While funding is important, mitigating or eliminating the financial burdens posed by binding arbitration and mandatory pension benefits must take place for communities to remain sustainable.

- **Municipal pension reform** — PSATS supports municipal pension reforms that enable townships to enroll new officers in defined contribution plans with a generous employer contribution, instead of the mandated defined benefit plan. To ensure sustainability, any further expansion of pension benefits must be stayed.

- **Arbitration reform** — PSATS also strongly supports arbitration reform. When collective bargaining negotiations go to arbitration, PSATS believes that both parties should equally bear the responsibility of paying all costs of the third, neutral arbitrator and all other expenses incurred by the board. These expenses are currently borne solely by the local government. In addition, the third arbitrator should be a resident of the same county in which the municipality is located.

PSATS believes that the board of arbitration should be required to consider a municipality's ability to pay before making any arbitration award and that communities be given a way out of arbitration awards that create a documented financial hardship on the municipality and its residents.

- **Expanded funding for police** — PSATS supports ex-



PSATS supports **pension and arbitration reforms**, as well as **expanded funding for police**.

panded funding for police, including a dedicated special tax for police services of up to five mills that must be used to fund a township or regional police department or contract with another municipality for police protection; a municipal services fee to offset the costs of public safety services to state and federal facilities; and allowing local police to keep all fines issued by their department.

## Invest More in Pennsylvania's Transportation Infrastructure

- **Maintenance of predictable and reliable funding of the entire transportation system** — Act 89 of 2013 provided new, meaningful, and permanent transportation funding for municipalities. The Association believes that the commonwealth must maintain a predictable and reliable funding method for the state and local governments to properly maintain a sound and comprehensive transportation system that is critical to our

residents' quality of life while providing the means for the state to compete in today's economy.

- **Elimination of federal unfunded mandates that do little to enhance safety** — The state has adopted the federal *Manual on Uniform Traffic Control Devices* by reference. However, this one-size-fits-all approach does not work in Pennsylvania.

For example, provisions that mandate all mowing operations to have a shadow vehicle (*unless mowing occurs on a road with fewer than 10,000 vehicles a day and the mower is completely off the road*) and prohibitions on the use of single yellow lines on rural and mountainous roads do little to enhance safety, yet these rules impose unfunded mandates on municipalities.

- **Reform of public contracting requirements to allow local funds to stretch further** — PSATS supports common-sense reforms to the Prevailing Wage Act, such as:

- adding dirt and gravel road projects to the \$100,000 threshold (*currently at \$25,000*);
- exempting road maintenance projects, such as resurfacing, from the Prevailing Wage Law;
- making state-mandated wages more accurately reflect wages paid in a municipality; and
- increasing the compliance threshold to \$500,000.

These options would allow townships to stretch their limited dollars further. ♦



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PSATS is a nonprofit, nonpartisan association representing the 1,454 townships of the second class in Pennsylvania, which comprise 95 percent of the state's land area and are home to more than 5.5 million Pennsylvanians. These townships range from rural communities with fewer than 200 residents to communities with populations approaching 60,000.