

# PSATS' 2020 Legislative Priorities

**A**s year two of the 2019-2020 legislative session gets under way, PSATS is working to promote its 2020 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.

## 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 also protect law enforcement officers and employees from harassment and identity theft. To protect taxpayer funds from theft, credit card numbers, account numbers, usernames, 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.

### Pending Legislation:

- HB 860: Release of personal financial information.
- HB 283: Commercial fees for records requests.
- Both bills have passed the House and are before the Senate State Government Committee.

PSATS supports reforms to protect taxpayer funds from theft and also protect law enforcement officers and employees from harassment and identity theft.



# PSATS' 2020 LEGISLATIVE PRIORITIES



## Address the Volunteer Firefighter Crisis

The SR 6 Commission released a report in 2018 detailing ways to address the 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. The General Assembly adopted Act 91 of 2020, which encompasses many of the report's recommendations and is detailed below. PSATS continues to ask for the adoption of legislation to support our volunteers, including:

- State tax credits or deductions for active volunteer emergency service providers;
- State tax credits or deductions for businesses that support volunteer 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.

Additionally, fire companies should be authorized to collect reimbursement from insurance companies for expenses for responding to and cleaning up automobile accidents and other emergency incidents. This cost should be based on the fair market value of these services.

Act 91 of 2020, which took effect October 29, does the following:

- Renames the Volunteer Fire Company, Ambulance Company and Rescue Squad Assistance as the Fire and Emergency Medical Services Loan Program and expands it to include municipal fire companies and emergency medical services companies.
- Authorizes a referendum to expand the use of the funds to paid municipal fire departments and companies.
- Renames the Fire Safety Advisory Committee as the State Fire Advisory Board and directs it to review and make recommendations for the fire relief funding formula and fire relief services.

- Gives the Office of the State Fire Commissioner the authority to establish rules, in consultation with the State Fire Advisory Board, for the eligible uses of the funds and requires an annual report.
- Fire commissioner confirmable by the Senate.
- Clarifies that fire relief associations include both volunteer and combination volunteer/paid companies and that funds may be used for:
  - necessary training;
  - activities and materials to help with the recruitment and retention of volunteer firefighters;
  - establishment of length-of-service awards;
  - facilities to store vehicles and equipment and for training and meetings;
  - vehicles and equipment for emergency response;
  - defrayment of the cost of obtaining or renewing a commercial driver's license for volunteer firefighters who operate fire or emergency vehicles registered to fire companies or municipalities; and
  - stipends to volunteer firefighters not to exceed \$1,500 per year.
- Authorizes counties and school districts to provide property tax credits to volunteer first responders.
- Eliminates the 20% cap on real estate tax credits and authorize joint municipal tax credit programs.

### Additional accomplishments:

- Act 17 of 2020 COVID-19: Disability benefits and basic life support staffing waivers.
- Act 22 of 2020: Junior firefighter training.
- Act 26 of 2020: Fire and EMS grants.
- Act 69 of 2020: First responder mental health and stress management protocol.
- Act 93 of 2020: EMS operating fund.

## 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

**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.**

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 both new and long-time residents 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 — or sorely lacking — in areas of their communities

### Accomplishment:

- Act 98 of 2020: Broadband services; rural electric cooperatives. Act 98 allows rural electric cooperatives to use their existing infrastructure to deploy fiber optic lines for broadband services.

### Pending legislation:

- HB 2348: Funding for areas unserved by high-speed broadband. Has passed the House and is before the Senate.
- SB 835: Broadband funding pilot program. Has passed the Senate and is before the House.

## 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 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.

### Pending Legislation:

- SB 1222 and HB 2743: Placement of public notices on websites. SB 1222 is before the Senate Local Government Committee, and HB 2743 is before the House Local Government Committee.

- SB 318: Prevailing wage threshold increase to \$185,000. SB 318 is before the Senate Labor and Industry Committee

- HB 323: Prevailing wage opt-out. HB 323 is before the House Labor and Industry Committee.

Lawmakers should 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.**

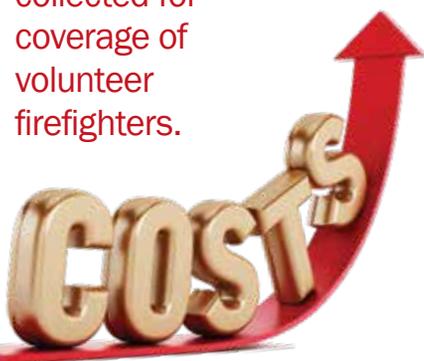
## Address Out-of-Control Workers’ Compensation Costs

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.

### Accomplishment:

- Act 108 of 2020: Workers’ compensation coverage for injured volunteers. Act 108 clarifies that fire police, officers or directors of volunteer fire departments and volunteer ambulance corps and volunteers of volunteer fire departments and volunteer ambulance corps that provide necessary operational support are eligible for workers’ compensation coverage if injured in the performance of their duties.



## 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 mountain-

ous roads do little to enhance safety, yet these rules impose unfunded mandates on municipalities.

- **Restore the reduction in municipal liquid fuels funding allocation due to the COVID-19 shutdown orders.**

- **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.

**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.**



## 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 expanded funding for police, including a dedicated special tax for police protection 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. ♦

