Legislative Update

Bill Would Temporarily Suspend Prevailing Wage Requirements for Local Entities During Pandemic

Sens. Kristin Phillips-Hill (R-York), Scott Martin (R-Lancaster), and Judy Ward (R-Blair/Cumberland/Franklin/Fulton/Huntingdon) planned to introduce a bill they say will help local governments and school districts address fiscal challenges and infrastructure obligations.

The senators propose to allow counties, school districts, and municipal governments to opt-out of the state’s prevailing wage requirements through the end of 2022. Prevailing wage requirements dictate that public works construction projects must be paid at a calculation based on local wages, including collective bargaining agreements.

Studies have shown that prevailing wage requirements can add anywhere from 10 to 30 percent in additional costs for building projects. Transportation projects above $100,000 are subject to prevailing wage, a change the General Assembly made in 2014. According to the U.S. Department of Labor in 2018, 22 states did not have prevailing wage laws.

“The pandemic has put a major financial strain on governmental entities across the board, and we are going to see ripple effects of the devastating and prolonged economic shutdown over the coming months. We need to give our local elected officials every tool to meet the needs of their constituents by being good fiscal stewards of those hard-earned taxpayer dollars,” Phillips-Hill said.

The state has not adjusted its prevailing wage law to account for inflation since 1963. The senators have argued that the nearly 60-year-old law has not kept pace with the cost of construction, with prevailing wage applying to all building projects over $25,000.

As of the deadline of Borough News, the bill had not yet been introduced.

How Can You Track Legislation?

PSAB members can stay current on bills that are moving through the legislature. You can also read bill summaries and find out which legislators are sponsoring bills of interest to boroughs. You can find this information on boroughs.org/legislative.
Gov. Wolf Signs Law to Establish a Mental Wellness Program for First Responders

Gov. Tom Wolf signed into law HB 1459 as Act 69 of 2020, authored by Rep. Mike Schlossberg (R-Lehigh), which establishes a mental wellness and stress management program for emergency responders who experience post-traumatic stress injuries or traumatic brain injuries on the job.

“This COVID-19 emergency has been another reminder of how all of us depend on first responders during a crisis,” Wolf said. “First responders face traumatic situations on the job that can have lasting consequences and this new program gives them access to the help they need. It is the right thing to do, and I’m proud to sign the legislation.”

Support for first responders under the bill includes:
• Access to peer-to-peer programs;
• Training for peer support efforts;
• A toll-free helpline;
• Statewide and regional stress management support;
• Trauma and suicide awareness training; and
• Support for non-profit organizations offering the services.

“We know that some groups are more likely to suffer from serious mental health issues and suicide,” Schlossberg said. “Our first responders are in that category. We must do more to protect our heroes, and I am grateful to the governor for his support of these efforts.”

Bill That Would Amend State Highway Law and Require PennDOT to Maintain State Roads in Boroughs Moves Forward

Senate Bill 101, authored by Sen. Scott Hutchinson (R-Clarion/Venango), which would amend the State Highway Law and require the PA Department of Transportation (PennDOT) to maintain drainage facilities on state highways in communities of less than 2,500, was moved out of the Senate Transportation Committee by a 12-2 vote.

Currently, responsibility for state highway maintenance varies based on municipality type. Generally, if the state highway is located in a borough, then only the surface of the road is maintained by PennDOT leaving the subsurface maintenance to the borough.

This measure is further supported by PSAB resolutions 2019-4 and 2016-5.

For many smaller communities, a smaller tax base makes it difficult to maintain the subsurface of the state highways in their boundaries and is a financial constraint on boroughs. Many are forced to cut services or increase taxes on an already shrinking and strained population. The impact of the COVID-19 pandemic will further constrain borough resources.

During the hearing, several committee members expressed interest in expanding the population thresholds.

The bill is now before the full Senate for consideration.
Bill to Boost Rural Broadband Access Advances

House Bill 2348 authored by Reps. Martin Causer (R-Cameron/McKean/Potter) and George Dunbar (R-Westmoreland), which would boost broadband internet service in the state’s most rural communities, was passed out of the Senate Communications and Technology Committee.

“Reliable, high-speed internet service is an absolute necessity in this day and age, especially in light of the COVID-19 pandemic,” Causer said. “Our students and teachers need it to improve educational opportunities. Businesses need it to stay competitive and better serve their customers. And our doctors and patients need it to improve access to health care.”

The legislation would create the Unserved High-Speed Broadband Funding Program and fund it, in part, by repealing the Mobile Telecommunications Broadband Investment Tax Credit. This credit is limited to $5 million per year and is available to mobile telecommunication providers to invest in broadband equipment in PA. Under the bill, the $5 million would instead be directed toward a grant program.

“The point of a tax credit is to generate investment that wouldn't otherwise be made, but a review of this tax credit by the nonpartisan Independent Fiscal Office showed as much as 90 percent of the spending would have occurred without it,” said Dunbar, who serves as vice chairman of the House Appropriations Committee. “We can’t afford to wait any longer to do anything and everything we can to get broadband service into our rural areas.”

Under the bill, the grant program would be administered by the Commonwealth Financing Authority. Along with the $5 million appropriation called for in the bill, additional state and federal funding could be directed to the account and used for grant awards.

Organizations eligible for grants would include nongovernmental entities with the technical, managerial, and financial expertise to design, build, and operate high-speed broadband service infrastructure within this Commonwealth; and rural electric cooperatives or local development districts in the Commonwealth. Any nongovernmental entity that qualifies for a grant would have to invest from its own funds at least 25 percent of the project cost.

Preference would be given to projects in the most unserved areas of the Commonwealth as defined by the Federal Communications Commission’s minimum speed requirements and to projects that already have federal funding allocated to them.

The bill goes to the full Senate for consideration.
Bill Would Temporarily Enable Online Fundraising for Fire Departments and Veterans’ Organizations During the COVID-19 Pandemic

Recognizing that the ongoing response to the COVID-19 outbreak is placing a severe financial crisis on first responders, veterans’ groups, and other non-profit organizations, Sen. Joe Pittman (R-Armstrong/Indiana) is introducing legislation that would temporarily allow these organizations to conduct online small games of chance (SGOC) fundraising activities during the duration of the governor’s disaster declaration.

The bill would allow organizations with SGOC club licenses to offer games of chance virtually via the internet or mobile application, as well as receive payment electronically through credit and debit cards or other electronic mobile payment applications.

Licensees would be required to verify age and residency of those participating in the SGOCs and the ability to fundraise online would end 30 days after the termination of the governor’s COVID-19 emergency declaration.

As of the deadline of Borough News, the bill has not been formally introduced.

No-Knock Warrants Would be Banned for Law Enforcement Under New Legislation

State Sen. Tim Kearney (D–Delaware/Chester) has introduced “Breonna’s Law” to ban no-knock warrants, which allow law enforcement to forcibly enter a person’s home without warning.

The bill is named after Breonna Taylor, a 26-year-old African American woman who was fatally shot eight times by police on March 13 after three plain-clothes officers used a no-knock warrant to enter her apartment in Louisville, Ky.

Kearney’s bill would require law enforcement officers to knock and announce themselves when serving a warrant, waiting at least 15 seconds for a response. It requires officers to wear body cameras during a search, as well as five minutes before and after the operation. Officers would also have to wear clothing that clearly identifies themselves as law enforcement. No-knock warrants have been banned in Oregon and Florida, and a federal ban has been proposed by U.S. Sen. Rand Paul (R-Ky).

Kearney has launched a Citizen Co-Sponsorship Campaign, where residents can add their name to support Breonna’s Law. Those who want to become a citizen co-sponsor can go to www.senatorkearney.com/breonnaslaw.