

# LEGISLATIVE LOCATOR

Your source for legislative reporting and advocacy

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March 2018

## Take Action!

### Attention Local Officials!

Contact your [Senator](#) and ask for a **YES VOTE** on **House Bills 913, 914, 915 and 916**. This bill package provides municipalities with an alternate way to help pay for storm water mandates. Ask your Senator for **PASSAGE WITHOUT AMENDMENT**.

**House Bills 913, 914, 915 and 916** amend the Town Code, Borough Code, First Class Township Code and Third Class City Code, respectively. These bills authorize the enactment and enforcement of ordinances to govern and regulate the planning, management, implementation, construction and maintenance of storm water facilities. Second Class Townships and municipal authorities were afforded similar authority in prior sessions.

In addition, the legislation provides for the optional levy by ordinance of reasonable and uniform fees to cover the costs of storm water management. Fees can be assessed in one of the following ways: on all properties; on all properties benefited by a

specific storm water project; or via a storm water management district assessing fees on all property owners. Fees may be annual or more frequent and exemptions and credits must be provided for properties meeting best management practices.

An amendment to limit the fees to federal storm water mandates failed in the Senate Local Government Committee. This amendment may be offered on the Senate floor. Ask for passage without amendment.

**Location:** *Passed House; Received First Consideration before the Senate, January 30, 2018*

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## Legislation of Interest

### Local Agendas

**House Bill 1531 (PN 1978)**, introduced by Representative Jim Christiana, amends Title 65 (Public Officers) requiring agencies to post their public meeting agendas online at least 24 hours in advance of the meetings when they have a publicly accessible website. The agenda shall include a list of each matter of business that will or may be a subject of deliberation or official action at the meeting, as well as the location of the meeting. Copies of the agenda shall also be available for those in attendance at the meeting.

Furthermore, the bill limits deviation from the posted agenda to:

- emergency business relating to a clear and present danger to life or property; and
- matters that are *de minimis* in nature and not involving the expenditure of funds or entering into a contract.

Business arising during the course of a meeting by a taxpayer or resident may be referred to agency staff. Or, if *de minimis* in nature, the governing body may take official action.

This bill was scheduled for Committee consideration on March 13, but was set aside for further discussion.

**Location:** *House State Government Committee,  
June 12, 2017*

### Tax Sale Owner Responsibility Act

**Senate Bill 851 (PN 1150)** and **House Bill 1814 (PN 2469)**, introduced by Senator David Argall and Representative Mark Keller, amend the Real Estate Tax Sale Law to clarify that a property in the delinquent tax sale process shall remain under ownership of the last owner of record, when the property is exposed to upset sale, but remains unsold. This legislation stems from a 2002 Commonwealth Court decision holding that a tax claim bureau becomes a trustee of a tax delinquent property the moment that it concludes an upset tax sale. As a result, legal property owners were able to assert that they're not liable for property violations

because legal title has passed to the tax collection bureau when the property was not sold.

These bills clarify that the last owner of record is still liable for violations on the property and that the tax claim bureau acts only as trustee. The owner of record shall be responsible for maintenance costs and the costs of nuisance remediation. In addition, the bills allow for an owner to re-purchase the property that was exposed, but not sold at upset sale, by remitting payment of the upset sale price plus any additional tax claim liens, tax judgements filed against the property, any costs, fees, expenses or interest accrued on the property subsequent to the upset sale.

**Location:** *Senate Bill 851 – Passed Senate; Referred to House Urban Affairs Committee,  
January 24, 2018*

*House Bill 1814 – Passed House; Referred to Senate Urban Affairs Committee,  
March 16, 2018*

### Voluntary Municipal Dissolution in Counties of the Second Class

**House Bill 2122 (PN 3101)** and **Senate Bill 1069 (PN 1537)**, introduced by Representative Dom Costa and Senator Jay Costa, amend the Second Class County Code to provide for the dissolution of cities, boroughs, townships and towns within a County of the Second Class (Allegheny). The newly dissolved district would be designated as an unincorporated form of government and administered by the County.

The bills require the local governing body to initiate the dissolution and to develop a services transition plan with the County as part of an intergovernmental cooperation agreement. Following public advertisement and public meetings, a referendum will be held. If passed, the unincorporated district will be absorbed by the County and the services transition plan will become the new local ordinance and the process will begin to allow the County to administer the district. Timeframes and specific details relating to debt and taxes are outlined in the legislation.

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The bills also loosely provide for the merger and consolidation of an unincorporated district with another neighboring form of local government.

If enacted, this legislation will take effect immediately.

**Location:** *House Bill 2122 – House Urban Affairs Committee, March 9, 2018*

*Senate Bill 1069 – Senate Local Government Committee, March 15, 2018*

## Local Use of Radar II

**House Bill 2148 (PN 3184)**, introduced by Representative Greg Rothman, amends Titles 44 (Law and Justice) and 75 (Vehicles) authorizing the local use of radar within the following parameters which are set to expire in six years on December 31, 2024:

- Quotas on the number of citations issued are prohibited.
- The number of citations issued may not be considered when evaluating an enforcement officer's job performance.
- No points may be assigned for a speeding violation captured by radar.
- Only full-time officers employed by full-service departments that are accredited may use radar.
- Radar devices must be operated from a clearly marked vehicle and from a location that is visible to the motoring public.
- No person may be convicted from evidence captured by radar unless the speed recorded is more than 10 miles per hour over the speed limit and official warning signs have been erected in the municipality.
- A local ordinance must be adopted authorizing the use of radar.
- Roads where radar is to be used must have undergone an engineering and traffic study (must be updated every three years) to determine speed limits or to address citizen complaints or demonstrable traffic safety concerns.
- During the first 90 days of speed enforcement with radar, only written warnings may be given.
- A radar device must have been tested for accuracy within 60 days of a citation being issued based on its reading.

- Each municipality using radar must submit an annual report to PennDOT providing the number of violations, warnings and fines issued; a compilation of all fines paid and outstanding; and the number of moving violations and fines issued under other provisions of Title 75.
- PennDOT must submit an annual report to the Transportation Committee chairs compiling the data of the local reports.
- Municipal revenue from the use of radar may not exceed 1% of a municipality's annual budget.

If enacted, this legislation will take effect in 120 days. PML, PSATC and the Radar Coalition do not support this bill.

**Location:** *House Transportation Committee, March 16, 2018*

## Sale of Municipal Personal Property

Two identical bill packages amending Titles 8 (Boroughs), 11 (Cities), the First Class Township Code and the Towns Law, increase the dollar threshold at which bidding and advertising laws apply for the sale of municipal property from \$1,000 to \$2,000.

**Location:** *Senate Bills 947, 948 and 949 – Senate Appropriations Committee, January 29, 2018*  
*House Bills 1887, 1888 and 1889 – Received First Consideration before House, March 14, 2018*

## Emergency Management Services Rewrite

**Senate Bill 1019 (PN 1411)**, introduced by Senator Randy Vulakovich, amends Title 35 (Emergency Services) providing a comprehensive update to the Code. The new provisions include:

- Creation of a non-lapsing restricted account in the state treasury for assistance with non-federally declared disasters. PEMA would have the ability to aid counties when damages do not reach the \$18.2 million threshold for federal assistance. The Legislature would need to allocate the funds which would be disbursed under PEMA guidelines.

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- Giving more control to counties and local governments in the appointment of their emergency management coordinators. Coordinators would no longer need PEMA approval or appointment by the Governor. PEMA would still certify coordinators ensuring that they successfully complete certification requirements.
- Three options for Regional Task Forces to organize themselves for purposes of contract and grant administration.
- Compensation for Regional Task Force members upon activation by the entity that deploys a task force.
- Workers' Compensation extended to all state designated specialized response teams, regional task forces and specialized task forces that are

deployed or are participating in scheduled training or operating in an official capacity. The bill also extends protections to individuals who are not Commonwealth employees but who are deployed by the Governor. Finally, civil immunity is extended to all volunteers engaged in emergency services activities.

Hearings were held in late January on this bill. This bill is a work in progress and the Workers' Compensation coverage is still being negotiated.

**Location:** *Senate Veterans Affairs and Emergency Preparedness Committee, January 17, 2018*

## Other News

### Resolutions – An Important Part of PML Advocacy

PML's spring District Meetings are a great time to bring policy issues to PML. PML is a member-driven organization. In other words – it's your organization. Policy issues and our position on legislation comes through the membership and starts with Resolutions.

Resolutions discussed and adopted at a District Meeting, will go to the Annual Summit for consideration by the full membership. If adopted, those Resolutions become part of our policy and guide the work of the legislative staff when communicating with the General Assembly and Administration. Resolutions adopted in 2017 included: policy supporting a new Growing Greener program; policy supporting the use of municipal fees; policy opposing pre-emption of local zoning authority and policy opposing state regulation of municipal electric systems.

Is there an issue in your community that should be addressed at the state level? Chances are, it's an issue elsewhere too. Participate in our policy and advocacy efforts by bringing the issue to your District Meeting in the form of a drafted resolution. Please contact Amy Sturges, Director of Governmental Affairs at [asturges@pml.org](mailto:asturges@pml.org) if you have questions or need a sample resolution.

Please see our online [Policy Statement](#) and [Resolution Process](#).

Advocacy web page: [pml.org/advocacy](http://pml.org/advocacy)

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## Governor Wolf Announces Initiative to Expand Broadband Access

On Monday, March 19, Governor Wolf [announced a new initiative that will expand broadband access to businesses and households](#) in Pennsylvania, ensuring that every Pennsylvanian has access to high-speed internet.

“High-Speed Internet access is essential to growing our economy, expanding educational opportunities for our children, increasing access to modern healthcare, and improving the safety of our communities,” said Governor Wolf. “For Pennsylvania to succeed we must close the digital divide ensuring every citizen and business has the access it needs to connect to the ever-expanding digital world in which we live and work.”

The Governor announced the Pennsylvania Broadband Incentive Program which will offer up to \$35 million in financial incentives to private providers bidding on service areas within Pennsylvania in the Federal Communications Commission’s upcoming Connect America Fund Phase II Auction.

The Wolf Administration is dedicated to ensuring that [every Pennsylvanian has access to high-speed internet by 2022](#).

### Local Government Day

Wednesday, April 11, 2018, is "Local Government Day" in Pennsylvania. This day is dedicated as a day of appreciation for local governments, their officials, employees and volunteers who work hard to provide local services to their residents. Senator Scott Wagner, Chairman of the Senate Local Government Committee, introduced [Senate Resolution 301 \(PN 1599\)](#) recognizing "Local Government Week" in Pennsylvania as April 9 through 13, 2018, with April 11 dedicated as "Local Government Day."



## House and Senate Session Days:

**Senate:** April: 16, 17, 18, 23, 24, 25, 30

**House:** April: 9, 10, 11, 16, 17, 18, 30