



Legislative Locator

A Monthly Publication of The Pennsylvania Municipal League

March 2019

TAKE ACTION!

League members - your [District Meetings](#) are underway next month. We encourage you to familiarize yourself with the [League's policy process](#) and to offer resolutions at your District Meeting!

Resolutions – An Important Part of Advocacy

Spring District Meetings are a great time to bring issues before the membership for consideration. The League is a member-driven organization. In other words – it's *your* organization. Policy issues and the position The League takes on legislation come through the membership starting with resolutions.

Resolutions discussed and adopted at a District Meeting will go to the Annual Summit for consideration by the full League membership. Adopted resolutions become part of our policy and guide the work of the legislative staff when communicating with the General Assembly and Administration. See our 2018 adopted resolutions [here](#).

Is there an issue in your community that should be addressed at the state level? Chances are, it's an issue in other municipalities, 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 if you have questions or need a sample resolution.





LEGISLATION OF INTEREST

Transparency in Collective Bargaining

House Bill 250 (PN 225), introduced by Representative Matt Gabler, establishes the Public Employment Collective Bargaining Act to provide transparency in public employment collective bargaining. “Public employer” and “employee” are defined as in the Public Employee Relations Act and include political subdivisions and employees. The bill requires a public employer to provide public notice prior to accepting a proposed collective bargaining agreement as a contract.

Notice is satisfied by posting on the employer’s public website 14 days prior to acceptance and for 30 days after. Or, if the employer does not have a public website, notice must be published once in a newspaper of general circulation at least two weeks prior to accepting the collective bargaining agreement. Notice, in either case, must include a statement of the terms of the proposed collective bargaining agreement and an estimate of the costs to the employer associated with the agreement. Failure to provide notice prior to acceptance deems the agreement void.

Finally, the bill includes a proposed collective bargaining agreement and documents presented by either side in the course of bargaining as public records under the Right-to-Know Law.

If enacted, this legislation will take effect in 60 days.

Location: House Labor and Industry Committee, January 29, 2019

Act 47 Early Intervention Program

House Bill 275 (PN 246), introduced by Representative Thomas Mehaffie, amends Act 47, the Municipalities Financial Recovery Act, renaming it the “Strategic Management Planning Program.”

If enacted, this legislation will take effect in 60 days.

Location: Passed House; Senate Appropriations Committee, March 27, 2019

Prohibiting Board Member Compensation for Public Officials

House Bill 543 (PN 534), introduced by Representative Ryan Bizzarro, amends Title 65 (Public Officers), by restricting public officials or public employees from receiving compensation for serving on private, for-profit or not-for-profit boards or commissions while serving as a public official or employee. Reimbursement for actual and necessary expenses related to the service when provided by a board or commission shall be permitted.

If enacted, this legislation will take effect in 60 days.

Location: House State Government Committee, February 19, 2019

LEGISLATION OF INTEREST

Real Property Tax Levies

House Bills 547 (PN 886) and 548 (PN 887), introduced by Representative Joe Emrick, amend the First Class Township Code and Titles 8 (Boroughs and Towns) and 11 (Cities), respectively. These bills allow for the levy of Real Property Taxes by a resolution if the tax rate is levied at the same rate or at a lower rate than the previous year. An ordinance would be required if there is a rate increase. Resolutions providing for a tax levy must be recorded in the municipality's ordinance book in the same manner as a tax ordinance.

If enacted, this legislation will take effect in 60 days.

Location: Passed House, March 26, 2019

Contracting with the State Police

Senate Bill 46 (PN 22), introduced by Senator Kim Ward, amends the Administrative Code of 1929 establishing the State Trooper Services Contractual Program which authorizes the State Police and municipalities to enter into contracts for police protection. The contract price shall include only labor and benefits and may not be less than \$65 per hour, per trooper. The State Police shall promulgate any necessary regulations to implement contractual agreements with municipalities and the bill outlines several requirements. Municipalities entering into contracts with the State Police must adopt an ordinance or resolution authorizing the contract.

If enacted, this legislation will take effect in 60 days.

Location: Senate Law and Justice Committee, January 11, 2019

Commonwealth Response Reimbursement Act – Demonstrations

Senate Bill 323 (PN 300), introduced by Senator Scott Martin, establishes the Commonwealth Response Cost Reimbursement Act. This legislation assigns liability when a public safety response occurs as a result of a demonstration, and in association with that demonstration, a person is convicted of a misdemeanor or felony offense.

A convicted person shall incur the costs of the public safety response which are currently paid by a state agency or political subdivision. Response services include fire, police, emergency medical services or emergency preparedness, including the costs of legal, administrative and court expenses.

If enacted, this legislation will take effect in 60 days.

Location: Senate State Government Committee, February 22, 2019



COSPONSOR MEMOS TO WATCH

Local Tax Enabling Act – Rate Change

Representative Kurt Masser issued Cosponsor memo [HCO890](#) to garner support for legislation that amends the Local Tax Enabling Act to update the calculation of the revenue neutral Earned Income Tax (EIT) rate that may be utilized when a school district or municipality eliminates its Occupational Tax. Currently, the calculation relies on 2008 collections. This proposal will update that provision allowing a municipality to collect an amount equal to the prior Occupational Tax collection amount.

Statewide Soda Tax Preemption

Representative Seth Grove issued [HCO1605](#) to garner support for legislation that would preempt local governments from instituting a beverage tax and reinforce the provisions of the Sterling Act.

Municipal Waste Recycling Fee

Representative MaryLouise Isaacson issued [HCO1636](#) seeking support for legislation that will amend the Municipal Waste Planning, Recycling and Waste Reduction Act by increasing the \$2 per ton recycling fee on waste received at landfills to \$5 per ton.

House and Senate Session Days:

Senate: April: 8, 9, 10, 29, 30

House: April: 8, 9, 10, 15, 16, 17, 29, 30

Session dates are subject to change.



Report: Stronger State-Local Partnerships Needed for Solutions to Housing Crisis

The nation is experiencing a housing crisis on many fronts, from homelessness and poor housing quality to lack of supply and housing disconnected from jobs. This diverse landscape demands that cities and states collaborate and that cities retain a broad set of tools to meet unique local needs. But in many states, the set of tools available to city leaders is limited. Today, the National League of Cities (NLC) released “[Local Tools to Address Housing Affordability: A State-by-State Analysis](#),” to uncover how states interact with cities on key housing policies and the level of authority they provide to cities to implement proven strategies.

“Every person deserves a safe, affordable place to call home,” said Karen Freeman-Wilson, Mayor of Gary, Indiana, and President of the National League of Cities (NLC). “NLC has identified housing as a top priority and is working with local leaders to help residents in every city, town and village to have access to quality housing. This research provides local officials with a better picture of the kinds of options and solutions available to cities.”

This new research finds that depending on the state and home-rule authority, the ability of cities to improve housing conditions varies extensively across the country. This assessment of all 50 states and the District of Columbia across the five policy areas – inclusionary housing, rent control, housing vouchers, housing trust funds and states tax incentive programs – finds that the District of Columbia, as well as cities in New York and California have more tools to address housing affordability than other cities. Cities in Idaho, Indiana, Kansas, Texas and Virginia have fewer. This report is the fifth annual research project developed in collaboration with the 49 state municipal leagues.

Specific findings include:

- Cities in 20 states and the District of Columbia are expressly permitted or face no legal barriers to inclusionary housing.
- Cities in 13 states and the District of Columbia are permitted, have some barriers or have limited control to implement rent control.
- Cities in 25 states and the District of Columbia have either state law protections or local protections for those using housing vouchers as a source of income.
- Cities in 35 states and the District of Columbia have established housing trust funds.
- 19 states and the District of Columbia have state-level tax incentives for new construction and/or rehabilitation of existing low-income housing.

“Our research with NLC provides a critical national view on city-state relationships,” said Wes Henderson, Executive Director of the Nevada League of Cities and Municipalities. “Here in Nevada, cities receive limited aid from the state to address housing needs. I hope, with this new research, that state leaders realize the importance of giving local leaders the support – and authority necessary – to care for the residents those local leaders see every day.”

For both NLC and the [49 state municipal leagues](#), the topic of housing rose to the fore as a top advocacy priority. In 2018, NLC President Freeman-Wilson launched NLC’s Housing Task Force to be co-chaired by Washington, D.C. Mayor Muriel Bowser to develop a set of best and promising practices at the local level, as well as policy recommendations to federal and state governments.

You can download the report [here](#).