



# Legislative Locator

A Monthly Publication of The Pennsylvania Municipal League

April 2019

## TAKE ACTION!

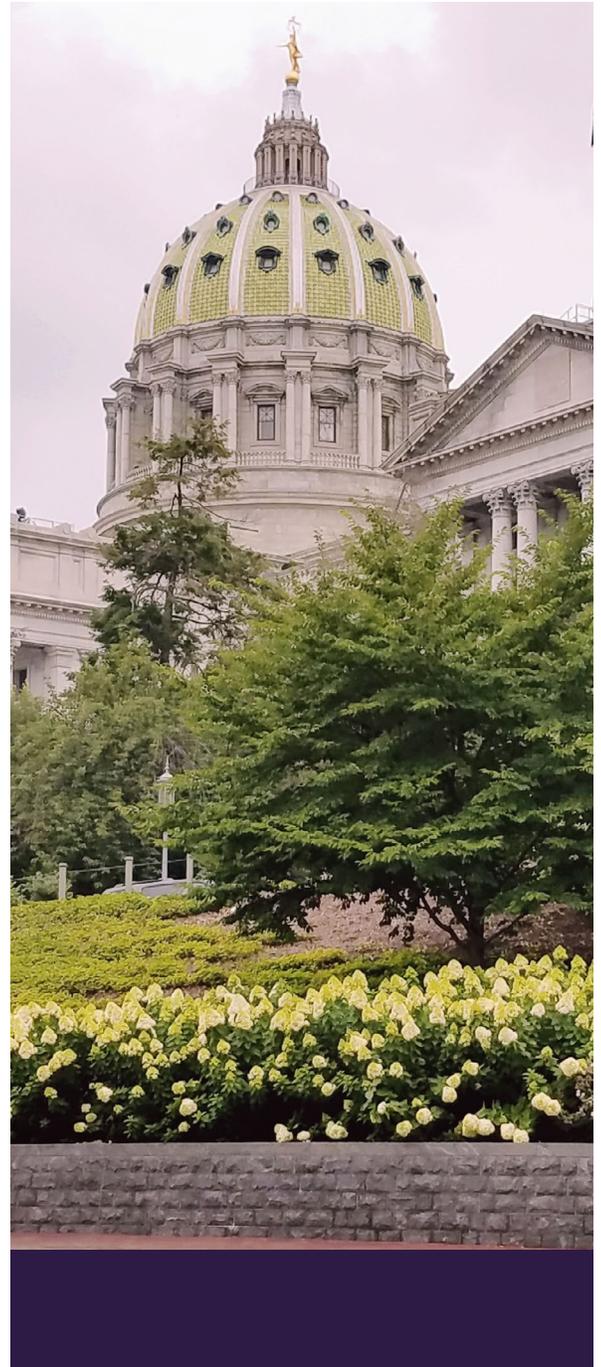
**Attention Local Officials:** Reach out to your [House and Senate members](#) to let them know you are interested in legislation that will be coming across their desks in the coming months. May and June are an especially busy time at the Capitol. Any ground work you can do now will be helpful and may prompt members to reach back out to you when they are getting ready to vote on a particular issue.

Below are a few suggested communications. Pick one or all three, but take the time to make the connection.

**Support for Local Use of Radar** – Local radar is a public safety tool that is long overdue. All municipal police departments should be authorized to use this tool, not just accredited departments. Local revenue generation is not a valid argument against local radar because the costs to use radar, including personnel costs, outweigh the small amount of fine money actually received locally.

**Oppose Zoning Preemption in the Placement of Wireless Infrastructure in the Rights-of-Way** – Smaller and targeted infrastructure is necessary to ensure connectivity in today's technology driven world. Distributed Antenna Systems or DAS boost broadband capacity for quicker download capacity meeting consumer demand. It is estimated that 800,000 small cell facilities will be installed by 2026 in the public rights-of-way. Local zoning and rights-of-way management cannot be preempted in the process of installing DAS.

**Fireworks Law** – Amendments to the Fireworks Law (Act 43 of 2017) are needed. The state-authorized use of consumer fireworks and preemption of local regulation has had a significant and detrimental impact at the local level on both residents and emergency service personnel. Local regulation and increased fines are among the changes that need to be made to this law before the next July 4th holiday.



## LEGISLATION OF INTEREST

### Subdivision and Land Development Ordinances

**House Bill 103 (PN 1373)**, introduced by Representative David Maloney, amends the Municipalities Planning Code to mandate that all local zoning ordinances contain a non-building waiver provision. This legislation, established as the “Family Heritage Open Space Protection Act” will allow a property owner to subdivide property into non-building lots which will be exempt from the regular provisions of a subdivision ordinance by virtue of having been granted a planning waiver and non-building lot declaration from DEP. Currently, DEP issues these waivers when a lot is shown to have no present *or future* need of sewer facilities. The bill provides that a non-building lot will have to comply with the applicable ordinances, statutes and regulations should the owner wish to develop it in the future.

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

*Location: Passed House; Senate Local Government Committee, April 22, 2019*

### 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. The terms public employer and employee are defined as in the Public Employee Relations Act and include political subdivisions and employees thereof. 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, it is required to publish notice 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 shall deem 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*

## LEGISLATION OF INTEREST

### Sale or Lease of Municipal Asset – Public Notice

**House Bill 406 (PN 1145)**, introduced by Representative Jim Cox, amends Title 53 (Municipalities Generally), by adding a new subchapter to Chapter 52 entitled “Public Notice and Public Meetings” which provides that a municipality must provide public notice to the municipalities it serves, of the intent to sell or lease a municipal water or sewer system in a newspaper of general circulation once a week for two successive weeks. A municipality must also hold at least one advertised public meeting on the subject not more than sixty days prior to the intent to sell or lease the asset nor fewer than seven days prior to entering into the agreement. The notice of the public meeting must also be made available in all of the municipalities that the asset serves. The potential purchaser is required to attend the meeting.

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

*Location: House Local Government Committee, April 2, 2019*

### Municipal Permit Denials

**House Bill 645 (PN 748)**, introduced by Representative Gerald Mullery, amends the permit denial section of the Neighborhood Blight Reclamation and Revitalization Act of 2010.

The bill adds a third circumstance for municipal permit denial – when property is owned by a limited liability corporation (LLC) and there is a delinquency in real property taxes, municipal charges or a failure to abate a serious violation of state law or local code. A permit may be denied on any other property owned by a LLC or its principals in the municipality, when any of the above three conditions are met.

The LLC or its principals must disclose in writing upon application for a permit any delinquencies in property taxes, municipal charges or failures to abate a serious code violation. Failure to disclose that information shall result in a \$500 fine.

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

*Location: House Urban Affairs Committee, March 20, 2019*

### Mortgage Lenders to Maintain Foreclosed Property

**House Bill 710 (PN 751)**, introduced by Representative Anthony DeLuca, amends the Neighborhood Blight Reclamation and Revitalization Act of 2010 by adding mortgage lenders to the definition of “owner.” This change allows municipalities to treat banks and other lending institutions as property owners and to hold them responsible for the maintenance of foreclosed properties and bringing the property up to code.

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

*Location: House Urban Affairs Committee, March 6, 2019*



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### Local Gun Preemption Legislation

**Senate Bill 531 (PN 566)**, introduced by Senator Wayne Langerholc, and **House Bill 1066 (PN 1227)**, introduced by Representative Mark Keller, amend Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally), adding penalty provisions to reinforce that a municipality may not by ordinance or otherwise, regulate the transfer, transportation or possession of legal firearms, ammunition or ammunition components.

Both bills provide standing to: a person adversely affected by a local regulation; a resident of the Commonwealth who legally possesses a firearm; or a membership organization whose members include a person in the above two categories.

A person with standing may seek declarative and injunctive relief, as well as actual damages for all reasonable expenses attributed to the violation. The court shall award all reasonable expenses if it finds in favor of the adversely affected person or if there is a repeal of the local regulation after the suit has been filed, but before a final determination is made by a court.

The Attorney General must notify all municipalities in writing of the provisions of this Act, within 30 days of the passage of this legislation.

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

*Location: SB 531, Received First Consideration before the Senate, May 1, 2019*

*HB 1066, House Judiciary Committee, April 5, 2019*

### Permit Administration Act – Transparency in Permitting

**Senate Bill 252 (PN 570)**, introduced by Senator Kristin Phillips-Hill, establishes the Permit Administration Act by requiring all permit issuing state agencies to establish, maintain and make available a secure tracking system where applicants can track the status of their permits online.

A tracking system must include the following:

- the processing time for each permit;
- the dates associated with each permit, completeness review, technical review, elevated review and the final permit decision;
- the estimated time remaining for each incomplete phase of the permit approval process; and
- the identity and contact information for the state agency employee who is assigned to answer questions about the application process.

Notice must be provided to each applicant as a permit moves through the application process according to specific time-frames outlined in the bill. All previously granted permits remain valid and shall not be affected. A state agency shall contract with a third-party professional to review permit decision delays and resolve issues. State agencies are required to report annually to the General Assembly on the number of permit applications received, the number of applications reviewed by an agency and by each employee within an agency, the time frame of approval of the applications, the number of



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applications referred to a third party for review, and the average time frame for the third party to review, and finally, the total number of permits issued that year.

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

*Location: State Inter-Governmental Operations Committee, April 8, 2019*

### Right-to-Know Law – Collective Bargaining

**Senate Bill 449 (PN 445)**, introduced by Senator Scott Martin, amends the Right-to-Know Law by opening up certain collective bargaining documents as public records. The Right-to-Know Law will authorize collective bargaining documents such as negotiations, including offers as settlement and information exchanged between the parties in a collective bargaining procedure to be public documents. In cases of arbitration of a dispute or a grievance under a collective bargaining agreement, the same documents as mentioned above will be considered public records.

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

*Location: Senate State Government Committee, March 19, 2019*

### Meeting Attendance Requirement for Municipal Officials

**House Bill 1030 (PN 1177)**, introduced by Representative Justin Walsh, amends Title 53 (Municipalities Generally) by adding a section that establishes an attendance policy for municipal officials. The legislation requires members of a local governing body to attend a minimum of 50% of scheduled public meetings of the governing body in a calendar year. If a member fails to attend at least 50% of the scheduled meetings, the governing body may start proceedings through the municipal solicitor to remove the member from the governing body who fails to meet the attendance requirement. Excused absences will not negatively affect an official's attendance record.

If a member is removed from office under the above provision, the office shall be deemed vacant and filled according to the procedures for a vacancy in office.

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

*Location: House Local Government Committee, April 2, 2019*

### Municipal Police Enhancement Consolidation Grant Program

**House Bill 1006 (PN 1156)**, introduced by Representative Austin Davis and **Senate Bill 472 (PN 521)**, introduced by Senator Jim Brewster, amend Title 53 (Municipalities Generally) providing for grant money to improve and enhance municipal police departments, to incentivize consolidation and to provide training to municipal police officers.



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Under the bill, the Commission on Crime and Delinquency will oversee grant administration to municipal police departments. Grants will be in amounts between \$5,000 and \$15,000 per municipal police department and issued on a pro-rata basis, if necessary.

The grant program is slated to begin in 2020. The first \$10 million to be deposited into the dedicated Municipal Police Enhancement Consolidation Grant Program Fund shall come from a tax imposed on the extraction of natural gas in the Commonwealth. Each year thereafter, a deposit of \$10 million shall be made into the Fund from the same source.

Under the Program, grant funds are allocated as follows:

- twenty-five percent to municipal departments that have achieved consolidation; and
- seventy-five percent to municipal police departments for:
  - ◇ achieving accreditation with the International Association of Chiefs of Police;
  - ◇ training and certification programs for officers;
  - ◇ community outreach programs; and
  - ◇ enhanced mental health services for officers.

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

*Location: HB 1006, House Local Government Committee, April 2, 2019*

*SB 472, Senate Law and Justice Committee, March 28, 2019*

## COSPONSOR MEMOS TO WATCH

### County Recycling and Waste Management Fees

Representative Patty Kim issued [HCO1800](#) to garner support for legislation that will authorize counties with existing recycling programs to collect \$4 per ton from waste haulers, to support new or existing recycling programs as well as to help fund programs for alternative energy.

### Criminal Offense to Destroy Right-to-Know Law Documents

Representative Cris Dush issued [HCO1768](#) as intent to introduce legislation that will make intentionally destroying records that are open to the public under the Right-to-Know Law a criminal offense. Specifically, intentionally destroying public records shall be graded as felony of the third degree.



## COSPONSOR MEMOS TO WATCH

### Law Enforcement Justice Information System Dedicated Funding Stream

Representative Marcy Toepel issued [HCO1757](#) to garner support for legislation that will establish a dedicated funding stream for the statewide Law Enforcement Justice Information System (LEJIS) that connects local police Records Management Systems (RMS) and Computer Aided Dispatch (CAD) systems which allows for real-time officer safety information to be communicated. The Commonwealth's General Fund is the typical funding source for the system and use. Toepel's bill will increase filing fees on civil cases at the local level to provide a steady source of funding to keep the program running.

## OTHER NEWS

### Local Officials Rally for Restore Pennsylvania

- FROM:** Eric Gutshall, Secretary for Intergovernmental Affairs, Office of Governor Tom Wolf
- WHAT:** 'Local Officials for Restore Pennsylvania' Rally and Lobby Day
- WHERE:** State Capitol Rotunda, Harrisburg, PA
- WHEN:** Wednesday, May 15 at 11:30 a.m.
- RSVP:** Danielle Okai ([dokai@pa.gov](mailto:dokai@pa.gov)), Special Assistant to the Secretary of Intergovernmental Affairs

I am extending a special invitation to a Rally and Lobby Day in support of [Restore Pennsylvania](#), Governor Wolf's \$4.5 billion infrastructure plan. On Wednesday, May 15, we are asking local officials from across the Commonwealth to gather in the Capitol and make their voices heard about the urgent need to repair and reinvest in local communities. In addition to the Rally in the Rotunda, we ask that you meet with your legislators individually in Harrisburg to let them know why you support Restore Pennsylvania. As leaders on the front lines, you know first-hand how Pennsylvania's aging infrastructure hurts our state's competitiveness, risks public safety, and impacts our citizens' quality of life.

Please let us know if you can make it. We looking forward to seeing you!

# LEARN ENGAGE NETWORK



## Put the Capitol Conference on your Radar for Next Year Three Reasons to Attend

BY KAREY MOLNAR, LEAGUE LEGISLATIVE ANALYST



This year's Capitol Conference was a valuable experience for me, a person who studies local government issues on a daily basis. I have found that there are always so many things to learn about

local government. **The number one reason to attend the Annual Capitol Conference is the program.** Each year, cutting-edge topics are presented by panels of experts and local officials. These experts are confronted with issues that may not have been introduced or discussed before. Some issues are brought to light that municipalities have faced – with the experts offering solutions to manage them. It's truly an educational experience – hearing how different forms of government are tackling issues resulting from the recent Fireworks Law and its associated recent court opinion, as just one example.

**The second reason to attend the Capitol Conference is the questions.**



There is no other way to express this value but to insist that you are present, come! Many communities, whether a borough, town or third class city, are facing the same problems – access to wireless broadband, placement of small cell wireless infrastructure, local use of radar, police coverage, volunteer fire recruitment and retention – it's all open for discussion among individuals who manage these issues on a daily basis.

**The third reason to attend the Capitol Conference is the excellent networking.** This experience allows you to get in touch with other local officials and meet members of the Pennsylvania General Assembly, the Pennsylvania Administration Officials and have contact with various other resources that may prove valuable to your community, all in one place.

Governor Wolf opened the program this year. He talked about the benefits of his Restore Pennsylvania Plan to local governments across the state. He recognized the hard work of those on the ground and made it clear that local governments will be on his mind this session.



Consider attending next spring, there is sure to be an opportunity for you to **learn, engage and network.**



### Support for CDBG and Other Funding Priorities Growing in Congress

Members of the House and Senate Appropriations Committees are hearing from NLC, our coalitions and other members of Congress on several federal funding priorities, including the Community Development Block Grant (CDBG). The letters of support are now arriving to impact the Appropriations Committees before they begin drafting the twelve annual spending bills for Fiscal Year 2020 (FY20).

NLC joined other local government groups in sending a CDBG funding prioritization letter recommending continued incremental increases for CDBG, from \$3.3 billion to \$3.8 billion in FY20. A record 175 bipartisan representatives and 43 bipartisan Senators endorsed our request by signing their own letters in support of \$3.8 billion for CDBG in FY20. The House letter was originated by Representatives Jim McGovern (MA-02), Maxine Waters (CA-43), Gregory Meeks (NY-05), Michael Turner (OH-10) and Mike Kelly (PA-16). The Senate letter was originated by Senators Tammy Baldwin (WI), Dianne Feinstein (CA) and Chris Coons (DE).

NLC is posting copies of letters supporting the funding priorities of cities, towns and villages on our Budget Tracker webpage [here](#). A full list of members of Congress who signed the CDBG support letters is also available at the link. Additional letters will be posted as they are finalized and delivered.

## House and Senate Session Days:

**Senate:** May: 1, 6, 7, 8

**House:** May: 1, 6, 7, 8, 13, 14, 15, 22, 23

*Session dates are subject to change.*