



Legislative Locator

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TAKE ACTION!

Contact Your House Members Today!

Senate Bill 607, **Local Use of Radar**, moved out of the House Transportation Committee on November 18 (see summary on pages 3-4). Now is the time to remind your House members of your support for this long-sought authorization. **Ask them to vote “YES” on Senate Bill 607.**

House Bill 432, the **First Responder Post-traumatic Stress Injury** bill opposed by local government, has been scheduled but not brought up in the House for second consideration (see summary on page 4). It is very important that House members are aware of the expensive unfunded mandate this bill will create for local government. Workers' Compensation premiums for first responders will increase under this legislation. **Ask your House member to vote “NO” on House Bill 432.**



Save the Date

2020 Capitol Conference

Tuesday, March 31, Hilton Harrisburg

The Capitol Conference is the League's annual legislative conference.

Topic ideas are welcome.

**Contact Amy Sturges at
asturges@pml.org.**



COSPONSOR MEMOS TO WATCH

Local Regulation of Firearms

Representative Comitta has announced intention to introduce legislation to permit local governments to regulate firearms on public property. Her bill will be a companion to Senate Bill 625 by Senator Collett.

Clean Indoor Air Act

Representative Frankel has announced intention to introduce legislation to amend the Clean Indoor Air Act closing the loophole that allows smoking in outdoor spaces, cigar bars, casinos, private clubs and bars. It will also include the use of e-cigarettes in the definition of smoking. Finally, it will allow local smoke-free ordinances that are stricter than state law.

Local Elections

Senator Anthony Williams has announced intention to introduce legislation to allow municipalities the option to conduct nonpartisan, ranked-choice elections for local offices.

LEGISLATION ENACTED

Act 79 of 2019

House Bill 407 (PN 878)

Signed: November 7, 2019

Effective: January 6, 2020

Act 79 adds a universal definition of blight to Pennsylvania law under Title 1 (General Provisions). This definition will apply to all statutes enacted after 1937 and to all future statutes, unless clearly stated otherwise.

Acts 80, 81 and 82 of 2019

House Bills 510 (PN 885), 511 (PN 497) and 512 (PN 498)

Signed: November 7, 2019

Effective: Act 80: Immediately; Acts 81 and 82: January 6, 2020

Acts 80, 81 and 82 amend Title 53 (Municipalities Generally), the Second Class Township Code and Title 11 (Cities) regarding intergovernmental cooperation agreements. Act 80 amends the Intergovernmental Cooperation Law giving local government entities the option of using an ordinance *or* resolution when entering into intergovernmental cooperation agreements, unless an ordinance is required by law. A council of governments or consortium of local governments separate from the



LEGISLATION ENACTED

organizing bodies must still be established by local ordinance. The act further provides that municipal authorities entering into an intergovernmental cooperation agreement may not take on any function not authorized by law or a municipality's articles of incorporation. Acts 81 and 82 amend the codes and refer to the process in the Intergovernmental Cooperation Law.

Act 83 of 2019

House Bill 859 (PN 2086)

Signed: November 7, 2019

Effective: Immediately

Act 83 amends Title 35 (Health and Safety) reauthorizing the 911 Law (Act 12 of 2015), which was set to expire on June 30, 2019. This law places a monthly fee of \$1.65 on all phones and distributes the revenue to county 911 centers and PEMA. Under Act 83, the law is extended until 2024; the Legislative Budget and Finance Committee is charged with a review of the law; additional stakeholders are added to the 911 Advisory Board; and PEMA is authorized to purchase a Smart 911 System to assist with the identification of people with disabilities when calls are made to 911.

LEGISLATION OF INTEREST

First Class Township Code

The Rewrite has been introduced as **House Bill 2073 (PN 2927)** by Representative Dan Moul, chair of the House Local Government Committee. On November 20, the Committee held an informational meeting on the bill. The committee members were briefed on the substantive changes being made to the Code. The next step will be consideration of the bill at a voting meeting of the committee. This meeting is scheduled for December 18. The goal is to get this to the governor's desk by the end of the session, which is November 30, 2020.

Local Use of Radar/LIDAR

Senate Bill 607 (PN 1384) amends Title 75 (Vehicles) authorizing municipalities to use radar/ LIDAR as a speed control device. This bill was amended in the House Transportation Committee on November 18 and voted out to the full House unanimously.

The new version of the bill keeps many of the provisions from Senate Bill 607. Municipalities must pass a local ordinance to use radar/LIDAR and place signs within 500 feet of the municipal borders on the main entrance roads; officers must be trained in the use of radar/LIDAR; and a 90-day written warning period must be observed.



LEGISLATION OF INTEREST

New provisions include: radar/LIDAR may only be used by full-service departments and full-time officers; radar/LIDAR may only be used from a clearly marked vehicle visible to motorists; calibration and testing of devices must be every 365 days at a minimum; and revenue from fines may not exceed 10% of a municipal budget. Except in school and work zones, a speeding conviction is not permitted unless speed is recorded at six or more miles over the speed limit. The same rule applies where the speed limit is posted at less than 55 miles per hour and the recorded speed is less than 10 miles per hour over the speed limit. Finally, radar/LIDAR may not be used within 500 feet of a sign decreasing the speed limit except in a school zone or work zone.

The bill's next step in the process is Second Consideration in the House where more amendments may be considered. The League and PSATC supported the amendment and movement of the bill to the full House.

Mental Wellness and Stress Management Program

House Bill 1459 (PN 2816), introduced by Representative Michael Schlossberg, establishes a mental wellness and stress management protocol for first responders within the PA Department of Health. The bill puts in place a number of tools for first responders to use when dealing with post-traumatic stress including peer to peer support, a toll-free helpline, Critical Incident Stress Management and trauma awareness training. Fine money from traffic violations are increased to pay for these programs. The League and PSATC support this measure.

Location: *Passed House, October 30, 2019*

Post-traumatic Stress Injury in First Responders

House Bill 432 (PN 2568), introduced by Representative Barrar, amends the Workers' Compensation Law. The bill defines post-traumatic stress injury (PTSI) and the employees covered. Substantial competent evidence that the injury was caused by direct exposure to a normal or abnormal working condition and was received in the course of employment is required. The injury shall be based on an examination and diagnosis by a psychologist or psychiatrist duly licensed under the laws of the Commonwealth. PTSI suffered as the result of an employment action shall not be compensable unless it can be established by substantial competent evidence that the underlying cause of the employment action is directly attributable to the injury. The amended law, if enacted, would apply to subsequent claims, not ones already filed and would be effective one year after enactment. The League and PSATC do not support this unfunded mandate.

Location: *Awaiting Second Consideration, September 24, 2019*



OTHER NEWS

IMPORTANT REMINDER:

Newly Elected Official Affidavits of Residency

Prior to taking the Oath of Office, each newly elected official in a third class city, borough or first class township, must present a signed affidavit to the city clerk, secretary or manager attesting to continuous residency for one year preceding the individual's election. This affidavit is a qualification for office.

Please see the following sections of the codes:

[Section 11001](#) of the Third Class City Code

[Section 501](#) of the First Class Township Code

[Sections 801 and 901](#) of the Borough Code

Each municipality should reach out to its newly elected officials and provide notice of this requirement well in advance of January's swearing-in ceremonies. Here is a [sample residency affidavit](#). Your solicitor should approve prior to its use.

The League's Legislative Committee Needs Volunteers

Are you interested in legislation impacting local government in Pennsylvania? Do you have or want to establish a relationship with your PA House and Senate members? Do you want to be more involved with The League? Then consider joining The League's Legislative Committee. We are especially in need of officials – elected or appointed – from our Northeast, Northwest and Southeast districts.

As a member of the committee, we ask that you read the Legislative Locator each month, participate in quarterly calls for legislative updates, attend the annual Capitol Conference and communicate with your state legislators on various pieces of legislation.

Contact Amy Sturges, Director of Governmental Affairs, at asturges@pml.org for more information.

HOUSE AND SENATE SESSION DAYS:

Senate: December 18

House: December 16, 17, 18

**Session dates are subject to change.*



Webinar | Net Neutrality for State and Local Government Officials

The D.C. Circuit has recently ruled (mostly) in favor of the Federal Communication Commission's order retreating from net neutrality. This webinar will provide a non-technical explanation of the court's ruling. Speakers will also explain how this ruling will impact state and local governments and what authority states and localities have to enact net neutrality laws and policies in their own jurisdictions.

[Register Now for the December 6 Webinar](#)

Webinar | ADA Compliant Websites

Local governments and many other entities across the country have been sued for violating the Americans with Disabilities Act (ADA) because their websites are not accessible to persons with disabilities. Minh Vu, Seyfarth Shaw, will discuss the laws that require accessible websites, why government entities have been targeted for lawsuits, and what state and local government officials can do to avoid being sued.

[Register Now for the December 9 Webinar](#)