

# Legislative Locator

*The Legislative Locator is a Monthly Publication of The Pennsylvania Municipal League*



October 2021

## **Take Action: Submit a Consumer Fireworks Op-Ed**

Since the legalization of consumer fireworks in 2017, citizens, first responders and local leaders have been inundated with illegal and irresponsible use of fireworks.

The General Assembly passed an unenforceable and expensive law that has negatively impacted Pennsylvania's residents and local governments. The time to fix this law is way past due.

The League continues to advocate for repeal. If not repeal, then substantial amendments. We need you to help with our advocacy efforts by keeping consumer fireworks in the forefront this fall. Please consider submitting an op-ed to your local newspaper concerning consumer fireworks use and enforcement difficulties.

Below are two different sample op-eds that you can modify to fit your needs – one for illegal use and one for irresponsible use. These samples are written to be submitted by the chief elected official (or full governing body) and your municipality's public safety officials – police chief and/or fire chief.

- [Op-Ed Sample for Illegal Use of Fireworks \(Editable\)](#)
- [Op-Ed Sample for Irresponsible Use of Fireworks \(Editable\)](#)

There are a number of bills in the Legislature, but getting movement on any one of them is a challenge. Op-eds from across the state give us the best chance of keeping this issue alive.

Please reach out to Amy Sturges at [asturges@pml.org](mailto:asturges@pml.org) with any questions.

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## **Take Action: Local Use of Radar Bills Need House Member Support**

Help encourage House leadership to bring the local use of radar bills to the House Floor for a vote.

Senate Bill 419, introduced by Senator Mario Scavello, passed the Senate before the summer recess and was referred to the House Transportation Committee where it awaits consideration. Meanwhile, Representative Greg Rothman's House Bill 606 has stalled in the House since undergoing second consideration earlier this year.

House leadership indicated that they will not take up the local radar bills unless a majority of members support passage. Some House members still believe this is a local revenue grab. Please contact your House Member to ask if they will vote "yes" on a local use of radar bill if brought to the House Floor. You can find our Take Action and talking points to use as a guide when calling your House Member [here](#).

Please report the outcome of your call by filling out this [advocacy feedback form](#) after contacting your representative(s). This information allows us to keep track of how members would vote.

Click [here](#) to access your House member's contact information.

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## 2021 League Adopted Resolutions

The League is a member-driven organization relying on member municipalities to help develop policies that meet the present needs of local government. Our annual [resolutions process](#) provides every League member with the opportunity to participate in, and shape, The League's legislative agenda.

During the 2021 Municipal Leadership Summit, the voting delegates for the Resolutions Committee and Annual Business Meeting met for a final discussion and vote on the proposed 2021 Resolutions. All five resolutions were adopted and will be integrated into the 2022 Policy Statement.

The adopted resolutions listed below were proposed by the Northcentral District, Northwest District and The League's Legislative Committee.

1. Adoption of NLC's 2021 Municipal Policy and 2021 Federal Action Agenda
2. Preservation of Local Government Transportation Funding
3. Liquid Fuels Distribution Formula Reform
4. Vexatious Requests Under the Right to Know Law
5. Local Elected Official Training

Please view and read The League's Adopted 2021 Resolutions [here](#).

## Enacted Legislation

### **Act 75 of 2021**

#### **House Bill 523**

**Signed: October 7, 2021**

**Effective: December 6, 2021**

[Act 75](#) amends the General Road Law clarifying a property owner's maintenance responsibilities for private roads and right to bring civil action. Each property owner that shares a common benefit from a private road must contribute in proportion towards the costs of maintaining the road.

This Act does not apply to private roads where there is a written agreement; private roads established by the Commonwealth or by a municipality under Section 204 of the Eminent Domain Law; or private roads within a common owned interest ownership community.

## Legislation of Interest

### **Clarification to the Local Tax Credit Program for Volunteer Fire and EMS**

[House Bill 397 \(PN 371\)](#), introduced by Representative Clint Owlett, would amend Title 35 (Health and Safety). Currently, a local governing body may only provide by ordinance for a process to reject a volunteer firefighter or EMS local tax credit. This bill would also allow for the use of a resolution to proscribe a process to reject claims that do not satisfy program criteria.

*Location: Passed the House, October 27, 2021*

## **Vacant Property Registry**

[House Bill 1791 \(PN 2033\)](#), introduced by Representative Timothy Twardzik, would amend Title 53 (Municipalities Generally) establishing a vacant property registration program for municipalities.

A municipality would be able to impose and charge, by ordinance, a vacant property registration fee and a vacant property annual assessment on properties deemed vacant or vacant blighted properties. Within 30 days a property is determined to be vacant, the property owner would be required to register the property with the municipality and pay an annual registration fee of \$25. A property deemed vacant would be subject to an annual assessment at a rate of \$5 per every \$100 of assessed value, and a property deemed vacant blighted would be subject to an annual assessment rate of \$10 per every \$100 of assessed value.

If a municipality elects to impose these fees, the municipality would be required to maintain a vacant property registry listing the address of each vacant property. The vacant property registry list must be submitted to the county assessment office within six months of a municipality adopting a vacant property registry ordinance, and the registry would be required to be updated and resubmitted on an annual basis.

Municipalities would be required to use collected registry fees to fund blight remediation and eradication to: acquire tax delinquent and foreclosed properties; donate to a land bank; apply to conservatorship projects; remediate municipal blight conditions; and educate residents of the dangers of blight.

A property owner that fails to comply with the registration requirements would be penalized \$25 a day for residential properties and \$50 a day for commercial properties each day the property owner fails to register the property. The amount of any unpaid fee or annual assessment shall constitute a lien against the property. Lastly, municipalities with an existing vacant property registration ordinance may continue to operate without any limitations.

*Location: House Urban Affairs, August 16, 2021*

## **Public Utility Preemption of Local Government**

[Senate Bill 275 \(PN 1163\)](#), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) preempting municipalities regarding utilities and sources of energy.

A municipality would be prohibited from adopting a policy that restricts, or has the effects of restricting or prohibiting: the connection or reconnection of a utility service based on the type or source of energy; the ability of an individual or entity within the municipality to use an authorized utility services provider; and municipal policy may not discriminate against a utility service provider based on the nature or source of the utility service provided to consumers.

This bill was amended in the Senate Local Government Committee adding language that would preserve municipal authority to manage or operate a publicly owned utility; reduce greenhouse gas emissions from municipal facilities and operations; and exercise land use authority in accordance with the Municipalities Planning Code.

Representative Tim O'Neal introduced [House Bill 1947](#) as companion legislation in the House, which was voted out the Local Government Committee on October 26. Chairman Robert Freeman attempted to amend the bill to narrow its language and remove the term "policy" and replace it with municipal ordinance or resolution. The proposed amendment ultimately failed and the bill was reported out of Committee in a party line vote. Please view the [recording](#) of the meeting and specifically view Chairman Freeman's comments (at the 20 minute mark) regarding why House Bill 1947 is unnecessary.

Earlier this year, The League testified in opposition to the bill during a joint hearing held by the Senate Local Government and Senate Environmental Resources and Energy Committees, citing issues with preemptive and ambiguous language. Language to narrow the bill was not agreeable to the bill's proponents. The League will continue to oppose the bills as written.

*Location: Passed the Senate, October 27, 2021*

## Changes to Home Rule Law Ballot Questions

[Senate Bill 524 \(PN 599\)](#), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) regarding Home Rule ballot questions. Currently, the law permits three differently worded ballot questions regarding the government study commission to appear on a ballot and be defeated in three consecutive elections before prohibiting further proceedings. This bill would limit the three ballot questions to one in a four-year period. Additionally, the ballot questions would no longer be able to appear on primary election ballots.

*Location: First Consideration in the House, September 29, 2021*

## Deterring Ransomware Attacks

[Senate Bill 726 \(PN 829\)](#), introduced by Senator Kristin Phillips-Hill, would amend Title 18 (Crimes and Offenses) regarding ransomware attacks.

This bill would make it illegal for a person to knowingly possess, sell, threaten or use ransomware with the intention to extort a government agency, including a municipality, for money. It would also set notification standards in case of a ransomware attack. A municipality or other Commonwealth agency, within two hours of discovering a ransomware attack or extortion attempt, would be required to notify the Office of Administration and other appropriate entities of the attack. If the municipality uses a third party for informational services, the third party service provider would be required to notify the Office of Administration and other appropriate entities within one hour of discovering the ransomware attack or extortion attempt. The state officials would be required to notify the FBI of the attack within two hours of the original notification. All Commonwealth agencies, including municipalities, would be prohibited from using taxpayer money to pay ransom unless authorized by the Governor during a declaration of a disaster emergency.

Municipalities and other agencies would be allowed to bring an action against a person for a ransomware attack to recover actual damages, punitive damages and reasonable attorney fees and litigation costs.

The Office of Administration would conduct a study of all Commonwealth agencies on their susceptibility, preparedness and ability to respond to ransomware attacks. While performing the study, the Office of Administration would develop: best practices to prevent ransomware attacks; data encryption and back up strategies; availability of tools to track unusual network activity; guidelines for responding to an attack; coordinated law enforcement strategies; and recommendations on legislative or regulatory action.

Lastly, the bill would set penalties for those who attempt a ransomware attack, as well as reporting requirements for the Office of Administration.

*Location: Second Consideration in the Senate, September 21, 2021*

## Safe Exchange Zone Program

[Senate Bill 881 \(PN 1123\)](#), introduced by Senator Wayne Langerholc, would amend Title 53 (Municipalities Generally) creating the Safe Exchange Zone Program.

This bill would establish the program within the Department of Community and Economic Development (DCED) to establish safe public locations for participants to exchange goods purchased online and for child custody exchanges through the distribution of grant money to municipalities. Municipalities may apply for a safe exchange zone grant from DCED, which would approve or deny a municipality's application within 30 days of receipt. The participating entity, defined as the local police department, county sheriff or State Police, would be responsible for monitoring the safety of the exchange zone based on its location.

Each safe exchange zone would be required:

- to have an appropriate video surveillance system;
- to clearly indicate the participating entity's phone number and emergency phone numbers;

- to be placed within 100 feet of a local police department, county sheriff or state trooper barracks or other municipal property with active public presence; and
- to be on public land.

The participating entity with the shortest response time to the site of the safe exchange zone would be responsible for monitoring the video surveillance. The Department would establish video surveillance guidelines that do not infringe on Fourth Amendment Rights, and the bill would only allow for the participating entity to interfere upon a participant's request or if an exchange presents a clear and present danger to a participant.

The grants would be awarded to ensure geographic disbursement and first priority would be given to municipalities seeking to establish safe exchange zones 100 feet from a local police department, county sheriff or state trooper barracks, and second priority would be given to municipalities seeking to establish zones in public areas.

*Location: First Consideration in the Senate, October 27, 2021*

### **Electric Low-Speed Scooters Pilot Program**

[Senate Bill 892 \(PN 1133\)](#), introduced by Senator Daniel Laughlin, would create an electric low-speed scooter pilot program while preserving local authority and ability to regulate.

This bill would grant users of electric low-speed scooters all of the rights of a pedalcycle user, and law enforcement officers would be able to regulate the use of electric low-speed scooters consistent with the regulation of pedalcycles under the current law.

Local governments, including a second or third class city, borough or township, may authorize an electric low-speed scooter program and may adopt ordinances, regulations or policies for the safety, operation and management of these scooters. Each local government with a pilot program would be required to report the number of rides, accidents, frequency of use and any ordinances adopted 60 days prior to the expiration of the pilot program to the chairs of the Senate and House Transportation Committees.

Commercial electric scooter companies would be required to obtain commercial general liability insurance coverage with a limit of at least \$2,000,000 each occurrence and \$2,000,000 aggregate, as well as automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate. The scooter company would be required to provide proof of this insurance to the local government, or a local government may impose a fine of no more than \$1,000 a day until proof of insurance is provided.

The bill would further outline speed limits and safety features of the electric low-speed scooters and would provide for its definition.

Senator Wayne Langerholc introduced a similar bill, [Senate Bill 783](#), limiting the pilot program to only second class cities. Senate Bill 783 underwent first consideration in the Senate in June.

*Location: House Transportation Committee, October 7, 2021*

### **Fireworks Modification Act**

[Senate Bill 894 \(PN 1135\)](#), introduced by Senator Gene Yaw, would amend the Tax Reform Code regarding the use of consumer fireworks.

Under this bill, a person may not intentionally use consumer fireworks between the hours of 11:00 p.m. and 10:00 a.m. Exception is provided for the Fourth of July and New Year holidays. On July 2, 3 and 4 and December 31, a person may use consumer fireworks until 1:00 a.m. the following day. If July 4 falls on a Tuesday, Wednesday or Thursday, a person may use consumer fireworks until 1:00 a.m. immediately preceding and following Friday and Saturday.

The bill would also increase the penalties for selling or using fireworks in violation of the Law: a fine of no more than \$1,000 for a first offense; a fine of no more than \$2,500 for a second offense; and a fine of no more than \$5,000 for a third or subsequent offense.

*Location: Senate Agriculture and Rural Affairs Committee, October 7, 2021*

## **Thank you to all for participating in the 2021 Municipal Leadership Summit!**

Governor Wolf, U.S. Senator Casey, Speaker of the House Bryan Cutler, Auditor General DeFoor, House Majority Leader Benninghoff, DCED Deputy Secretary of Community Affairs and Development Rick Vilello, and DCNR Secretary Dunn were among the state and national dignitaries who participated. The summit offered municipal leaders a wide range of presenters and topics. We were happy to see all the in-person attendees and very pleased with how smoothly the Whova virtual platform app functioned for the virtual summit participants. Thanks to all [Business Leaders Network members, sponsors](#) and participants for your continued support of The League. [Click here for the Press Release](#), [here to view the Summit video](#) and [here to see our Facebook photo gallery!](#)

You can also share with your community what a great educational and inspirational event the Municipal Leadership Summit is, by downloading the Summit video [here](#) and playing it on your public access/cable channel.

As a participant, we would greatly appreciate a quote via [email](#) or a short audio/video testimonial via [Sharefile](#) regarding your Municipal Leadership Summit experience.

**Also during the Municipal Leadership Summit in Lancaster, The League Board of Directors approved renaming the League's non-profit entity, [the Richard J. Schuettler Center for Municipal Development](#).** The purpose of the Center is to assist local elected and appointed officials in obtaining the knowledge and leadership skills necessary to meet the challenges of their office and provide a forum from which urban policy issues can be debated, formulated and communicated through such means as training, research papers and educational publications. [Check out the video here.](#)

In recognition and honor of his service, numerous organizations and individuals have pledged to support The Schuettler Center. Nearly \$60,000 has been pledged thus far. Contributions will be utilized to create an endowment fund to support the work of the Center going forward. The League hopes to reach a goal of \$250,000 by October 2022. To make a contribution, [click here to fill out the donation form.](#)