

Legislative Locator

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



May 2022

League staff has worked hard to schedule relevant topics and speakers for this year's Capitol Conference. Every session relates to legislation enacted or moving in the General Assembly. Please view the agenda and register today!

League Capitol Conference

June 8 - 9, 2022

Hilton Harrisburg

League/PSATC Member
Registration Fee: **\$25**

Non-Member Registration
Fee: **\$100**

Speakers:

Governor Tom Wolf
Dr. G. Terry Madonna, Senior Fellow, Millersville University

Topics:

- Local Impact of Highly Autonomous Vehicle Testing
- The Prevalence of State Legislation Preempting Local Government
- Local Government's Role in New Efforts to Deploy Broadband
- Remote and Recorded Meetings Post-COVID
- Local Use of Radar Lobbying
- Impact of COVID on PA Downtowns

www.pml.org

[View Agenda](#)

[Register Here](#)



Please join The Radar Coalition for a rally in support of Local Use of Radar

Thursday, June 9th at 9:00 am on the Capitol Steps

Stopping unnecessary fatalities on Pennsylvania's roadways begins with authorizing the use of modern technology.

Pass House Bill 606!

The Pennsylvania Radar Coalition

Pennsylvania Municipal League • Pennsylvania State Association of Township Commissioners • Pennsylvania Chiefs of Police Association • Pennsylvania State Association of Boroughs • Pennsylvania State Association of Township Supervisors • Pennsylvania State Mayors' Association

With just weeks left in the legislative session there is new momentum to pass local use of radar because of the obsolescence of the current non-radar technology. Now is the time to keep the pressure on House members to pass House Bill 606.

To help push local use of radar over the finish line, the Radar Coalition is holding a rally on June 9 at 9:00 a.m. on the steps of the Capitol in Harrisburg.

We need a substantial presence at the rally to show the General Assembly that local use of radar remains a priority issue for local government.

Please support the Coalition's efforts by attending and bringing a delegation from your municipality with you, including law enforcement.

Please contact kerrickson@pml.org with any questions.

RSVP Here

Cosponsor Memos

Representative Pam Snyder announced intention to introduce legislation updating the Payments in Lieu of Taxes (PILOTs) rates and create a process for annual increases to match inflation.

Senator John Yudichak announced intention to introduce legislation amending Title 74 (Transportation) to modernize the management of the Commonwealth's public transportation systems while providing capital funding predictability and increasing local control in transit decisions.

Senator Jim Brewster announced intention to introduce legislation amending Title 74 (Transportation) requiring PennDOT to develop and maintain a publicly accessible database of all bridges in Pennsylvania that are maintained by federal, state, county or municipal funds.

Legislation of Interest

Local Government Continuity and Remote Meetings During Emergencies

[House Bill 2253 \(PN 3053\)](#) introduced by Representative Jerry Knowles, would amend Title 53 (Municipalities Generally) revising local emergency powers under Chapter 11 concerning temporary seats of government, remote meetings and succession of officers.

Current law only allows municipalities to designate a temporary meeting location and implement emergency succession of officers if under "enemy attack." House Bill 2253 would expand this response by defining "emergency" as a disaster emergency declared by the Governor or municipality that directly impacts a municipality's ability to provide services or hold a regular or special meeting of the governing body. Therefore, local governments would be permitted to hold public meetings at temporary locations during emergencies declared by the Governor or local government.

Additionally, the bill would authorize a local governing body to meet remotely via an authorized telecommunications device during a declared emergency that has rendered the physical presence of officials unsafe, hazardous or impossible. An authorized telecommunications device is defined as any device which permits, at a minimum, audio communication between individuals.

In order to meet remotely, a municipality would be required to provide 24 hours of advance notice by posting an advertisement on their municipal website and/or in a newspaper of general circulation while following other Sunshine Law requirements to the greatest extent practicable and allowing remote public participation to the extent possible. Under the bill, a local governing body may not meet remotely for more than 21 consecutive days unless it adopts a resolution establishing the need to continue remote meetings in order to comply with an emergency declaration by the Governor and as extended by the General Assembly.

During a declared emergency, a municipal officer may appoint an emergency successor to carry out the duties of the office. The emergency successor may carry out such duties until the officer, or authorized deputy, is available; the vacancy is filled; or the emergency declaration expires or is rescinded.

Except in cases where it is unsafe or hazardous to human health, a municipality would be required to post information at the regular location where the governing body meets regarding how to access the meeting's alternative location or how to access the meeting remotely.

Senator Hutchinson has introduced a companion bill. This legislation was prepared by Local Government Commission staff in response to the need for remote meetings authorization for future emergencies that make a physical quorum impossible.

Location: Passed the House, May 25, 2022

Meeting Broadcasts and Remote Public Comments

[House Bill 2428 \(PN 3153\)](#) introduced by Representative Jerry Knowles, would amend Title 65 (Public Officials) specifically The Sunshine Act creating rules for political subdivisions and authorities should they choose to provide online broadcasting of meetings and remote public comment.

Under the bill, a political subdivision or authority may adopt rules governing the broadcast of meetings. The term “broadcast” as defined in the bill would not include a recording of a meeting. A website, mobile application or social media platform may be used to broadcast a meeting, with the exception of executive sessions. *If* the meeting recording is made available for later viewing, the recording’s web address must be entered into the meeting minutes. A posted recording shall not omit or mute any portion of the broadcast unless it is essential to exclude speech not protected by the First Amendment or if the governing board would be exposed to legal liability if the speech is not excluded. An unedited version of the video must be maintained in an archive for at least one year and all omitted speech must be explained in the meeting minutes.

The bill would also authorize the adoption of rules permitting the acceptance of remote public participation. A process may be created for remote individuals seeking to be recognized to be placed in a queue. *If* accepting remote public comments, comments must be through an authorized telecommunications device which is defined as a device that permits, at a minimum, audio communication between individuals. Nothing in this bill would authorize a municipality or authority to prevent public participation at the meeting’s physical location. Furthermore, nothing in this bill would authorize a municipality or authority to exclusively mandate remote participation unless the meeting is held according to the emergency declaration provision in Title 35.

Political subdivisions and authorities accepting remote public comment may create a contingency plan to ensure the public can still participate over speaker phone if there is a technical issue or failure of the municipal or authority’s technology to comment through the advertised method. If remote public comment becomes impossible, official action must be postponed until the next meeting.

Lastly, *if* a political subdivision or authority intends to offer a broadcast of its meetings and/or provide for remote public comment, it must include information regarding the broadcast and means to comment remotely in its public notices.

Senator Dush has introduced a companion bill. This legislation was prepared by Local Government Commission staff to help clarify issues arising from online meetings during COVID.

Location: Second Consideration in the House, May 24, 2022

Act 111 Reform

Representative Donna Bullock introduced a six bill package amending Act 111 regarding binding arbitration.

1. [House Bill 2545 \(PN 3036\)](#) would expand the pool from which the third neutral arbitrator may be chosen. If the police and firefighters and the employer cannot agree on the third neutral arbitrator within 10 days following the appointment of the other two arbitrators, either of the appointed arbitrators may request that the president judge of the county court of common pleas provide a list of seven eligible arbitrators. The police and firefighters and the employer would alternate turns to eliminate a name from the list of the

seven neutral arbitrators until only one name is left, with the police and firefighters choosing the first name to eliminate. The arbitration board would have 90 days after the appointment of the third neutral arbitrator's appointment to make a determination.

2. [House Bill 2546 \(PN 3037\)](#) would allow for a public hearing before binding arbitration commences. A municipality may adopt an ordinance requiring a public hearing at least 90 days prior to the collective bargaining negotiations. The notice of the hearing must be posted on the municipality's website 14 days prior to the hearing and written public comments must be accepted. It also provides for a hearing and public notice process for municipalities in a regional partnership for fire or police services.
3. [House Bill 2547 \(PN 3038\)](#) would make police discipline policies and procedures subject to binding arbitration with certain exceptions listed in the bill. A collective bargaining agreement or award would not prohibit the release of disciplinary decisions of the employer to another federal or state law enforcement agency when seeking to hire an officer.
4. [House Bill 2548 \(PN 3039\)](#) would require the arbitration board's determination to consist of and be grounded in facts and conclusions of law based on the evidence presented during the hearing. The determination would be made public and a copy would be provided to both parties involved in the dispute. It would also provide for instances in which a party may seek an appeal.
5. [House Bill 2549 \(PN 3040\)](#) would require the police and firefighters and the public employer to bear the costs of their respective arbitrators, witnesses and attorneys associated with the arbitration hearing. The reasonable fees and costs of the third neutral arbitrator would be split evenly, 50/50, between the police and firefighters and the employer.
6. [House Bill 2551 \(PN 3041\)](#) would make all documents and evidence presented by a party during the arbitration proceedings public record under the Right to Know Law and a stenographic recording of the hearing would be required. Bargaining sessions before the hearing, executive sessions and meetings held by the arbitrators would not be considered public record.

Location: House Labor and Industry Committee, April 26, 2022

Traffic Signal Modernization Pilot Program

[House Bill 2550 \(PN 3033\)](#), introduced by Representative Thomas Mehaffie, would amend Title 75 (Vehicles) creating the Traffic Signal Modernization Pilot Program within PennDOT providing municipalities with grants to install and maintain traffic control signals and technologies. Municipalities would not need to provide matching funds to receive and use these grants. Installed traffic signal technologies would be required to be connected to a central location using the Commonwealth Communication Network and the bill further lists eligible technologies for funding.

Location: Passed the House; Senate Transportation Committee, May 24, 2022

Local Preemption Regarding Utility Services

[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 effect of restricting or prohibiting, the connection or reconnection of a utility service based on the source of energy; the ability of an individual or entity to use an authorized utility provider; or discriminates against a utility service provider based on the nature or source of the service.

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

Representative Tim O'Neal's companion bill, [House Bill 1947](#), has passed the House and is in the Senate Local Government Committee as of January 2022.

The League remains in strong opposition to these bills.

Location: First Consideration in the House, May 25, 2022

Pension Credit for Prior Law Enforcement Service

[Senate Bill 669 \(PN 1674\)](#), introduced by Senator Mike Regan, would amend Title 53 (Municipalities Generally) requiring municipalities to provide full-time vested police officers the option to purchase up to five years of their previous part-time or full-time employment for pension benefit purposes. This bill would not apply to cities of the first class.

The bill would provide for the calculation to determine the purchased pension benefit amount. Lastly, police officers would be ineligible from receiving this benefit if the officer receives or is entitled to receive a pension benefit from another fund, or if the officer's military service credits when combined with past police service credits exceeds five years.

Location: Second Consideration in the Senate, May 25, 2022

Medical Marijuana Act and Safety-Sensitive Positions

[Senate Bill 749 \(PN 1584\)](#), introduced by Senator Bob Mensch, would amend Pennsylvania's Medical Marijuana Law (MML) adding new definitions and provisions relating to employment and hiring of employees in safety-sensitive positions.

The bill would add definitions for the terms: essential functions, impairment, safety-sensitive position, and under the influence. Additionally, it would prohibit the performance of employment duties of a safety-sensitive position when impaired. Employers would be authorized to require a marijuana test prior to or as part of the hiring process and may also require employees to submit to tests. Employees and job applicants may disclose use and produce a valid identification card.

Further, the bill would provide that an adverse employment decision against an applicant or employee of a safety-sensitive position would not be a violation of the MML's protections for employees in the medical marijuana program. The bill would also provide that the MML does not imply a cause of action for an employee or applicant of a safety-sensitive position when an employer in good faith believes its workplace drug policy has been violated.

Location: First Consideration in the Senate, April 12, 2022

Liquor Code Amendment Allowing for Amplified Sound

Senate Bill 1212 (PN 1675), introduced by Senator Kristin Phillips-Hill, would amend the Liquor Code. Currently, only wineries may use amplified sound on their property, and Senate Bill 1212 would expand this ability to all licensed entities, including restaurants, bars and hotels. The sound must not exceed 75 decibels and would be limited to the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. Friday and Saturday. This bill would only apply to licensees in Class 2a to Class 8 counties.

Municipalities would still retain their authority under Section 493.1(b) of the Liquor Code to petition the Liquor Control Board to enforce their own noise ordinances over the Liquor Code in regards to amplified sound.

Location: First Consideration in the Senate, May 24, 2022



NATIONAL LEAGUE OF CITIES UPDATE

Your Infrastructure Questions Answered

May 16 marks the beginning of Infrastructure Week – the last time this week will be celebrated, thanks to the Bipartisan Infrastructure Law (BIL). America is now in a five-year sprint of federal infrastructure programs at historic levels. The Bipartisan Infrastructure Law will provide \$1.2 trillion over 5 years and now is the time to make a plan in your city to maximize these investments.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2022

House:

June 7-9, 13-15, 20-24, 27-30

July - Summer Recess

August - Summer Recess

Senate:

June 6-8, 13-15, 20-24, 27-30

July - Summer Recess

August - Summer Recess

****reminder - session dates are subject to change***

