



Legislative Locator

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COMMONWEALTH COURT STRIKES DOWN *PART* OF PA'S FIREWORKS LAW

This month, Commonwealth Court ruled on a lawsuit brought by the fireworks companies that have invested in permanent structures to sell fireworks. The companies, such as Phantom and Sky King, argued that the new law (Act 43 of 2017) gave tent and other temporary sellers an unfair advantage because they do not have to follow the same storage and safe keeping laws as permanent sellers. In fact, the General Assembly passed the responsibility for their regulation off to the National Fire Protection Association (NFPA). The Court ruled that the portion of the Law passing regulation of temporary sellers off to the NFPA was unconstitutional because the General Assembly delegated its authority and did not provide any policy or parameters for the NFPA to follow. The Court ruled that those specific sections of the Law could be severed from the whole; therefore, the rest of the Law stands as enacted.

As a result of this ruling, temporary sellers are prohibited from selling consumer fireworks. This will likely impact the state's revenue generation from the tax placed on consumer fireworks.

Next session, the League intends to work with the PA Career Fire Chiefs and others interested in seeing the Fireworks Law amended to address the safety concerns that have arisen with the proliferation of consumer fireworks since the July 4th holiday.

To read the decision, [click here](#).





OTHER NEWS

Senate Resolution 6 Commission Releases Final Report

This November, the Senate Resolution 6 (SR 6) Commission met to approve the findings and recommendations of its Report – consolidating 92 initial recommendations into 27. The SR 6 Commission is a reboot of the work of the 2004 Senate Resolution 60 Commission. Unfortunately, many of the same issues outlined in 2004 remain issues today, 14 years later. There is now a near-crisis, unsustainable situation for the delivery of fire and emergency services in the Commonwealth. The 39-member SR 6 Commission was comprised of first responders, career and volunteer fire, EMS organizations and members of local government, including John Kuntzelman, President Commissioner of East Pennsboro Township for PSATC and Peter Melan, Council President, City of Easton for PML.

The SR 6 Commission was tasked with studying and recommending improvements to the delivery of fire and emergency services in PA with the goal of developing and promoting legislation in furtherance of the Commission's findings. Legislation has been introduced and has become law as a result. For example, Act 103 was enacted this year, which amends the Insurance Company Law to allow direct reimbursement to EMS providers for services rendered to a patient during an emergency, even when the patient refuses transport. Medicaid and medical assistance patients are also considered with an additional appropriation made for these programs. This Act stems from the work of the Commission, but there is still much more to achieve.

Some of the recommendations in the SR 6 Report are to:

- revamp and expand the Office of Fire Commissioner and establish a new Fire Commission;
- offer postsecondary education credits and loan forgiveness for volunteer first responders;
- expand recruitment and retention efforts for volunteers;
- simplify the regionalization process;
- establish basic levels of training;
- expand online training programs;
- offer tax credits to employers who allow employees to run fire calls; and
- close loopholes in the Foreign Fire Insurance Tax.

The final SR 6 Commission Report can be found [here](#). Each issue is presented as a problem statement with a series of recommendations to address the concern. PML and PSATC will be tracking and lending support to legislation introduced in the upcoming session that addresses the Report's various recommendations.





OTHER NEWS

Local Government Records Committee Seeks Comments on New Policy

The Local Government Records Committee (LGRC) is the legal body that establishes retention schedules and record keeping policies for municipal governments. The LGRC is proposing a [new policy regarding permanent records and updating its policy on electronic records](#). The **LGRC is requesting public comment** on the new policy through the Pennsylvania State Archives, which serves as the secretariat for the Committee. Interested persons are invited to submit written comments, suggestions or objections regarding the proposed policy to be included in the Municipal Records Manual [by submitting a form on the website](#) or they may be submitted to Cynthia Bendroth, Chief, Records Services Division, Pennsylvania State Archives, PA Historical and Museum Commission, 350 North St., Harrisburg, PA 17120, 717-783-7330, RA-LocalGovernment@pa.gov **no later than January 31, 2019**.

Federal Opportunity Zones

Opportunity Zones, created by the 2017 Tax Cuts and Jobs Act, are designed to spur investment in distressed communities throughout the country through tax benefits. Under a nomination process completed on June 8, 761 communities in all 50 states, the District of Columbia and five U.S. territories were designated as qualified Opportunity Zones. Opportunity Zones retain their designation for 10 years. Investors may defer tax on almost any capital gain up to December 31, 2026, by making an appropriate investment in a zone, making an election after December 21, 2017, and meeting other requirements.

In November, the U.S. Department of the Treasury and the IRS released proposed regulations on Opportunity Zones designed to incentivize investment in American communities. The Treasury Department plans on issuing additional guidance before the end of the year after notice and comment.

Below you will find additional information:

- **Proposed Implementation Regulations** ([click here](#))
- **Opportunity Zones Resources** ([click here](#))
- **Frequently Asked Questions** ([click here](#))

Public Officials Day at the PA Farm Show

The Farm Show's 2019 Public Officials Day Luncheon will be held on **Wednesday, January 9, 2019, at 11:00 a.m.** in the PA Preferred Banquet Hall of the Pennsylvania Farm Show Complex and Expo Center. Reservations for the Public Officials Day Luncheon can be made using EventBrite: <https://2019podluncheon.eventbrite.com> **by January 2, 2019**. Please contact Stephanie Zarefoss, Executive Secretary to Russell C. Redding, Secretary, Department of Agriculture, at szarefoss@pa.gov with any questions. Governor Wolf invites local elected officials to attend.



NLC to FCC: Don't Create Cable Handouts

Recently, NLC joined a number of other local government organizations in [filing comments](#) with the Federal Communications Commission (FCC) opposing [proposed drastic](#) changes to the way that cable franchises are calculated. As previously reported, the FCC proposal could seriously limit or eliminate franchise revenues for local governments by allowing cable companies to deduct the value of in-kind contributions such as school or government connections, channel capacity for PEG stations and electronic program guides from their franchise fees.

NLC and its allies urged the FCC not to move forward with this proposal, arguing that the change to franchises would represent a handout to cable operators, while causing serious fiscal harm to local governments. The comments also argue that the proposal is in direct opposition to the legislation that authorizes cable franchising, and that the legislation never intended for in-kind contributions to be counted against separate franchise fees.

Numerous other organizations, including many cities, local PEG stations, state municipal leagues and a number of [U.S. Senators](#), have filed comments in opposition to the proposal.

House and Senate Session Days:

Senate: January: 1, 15, 16, 28, 29, 30

House: January: 1, 15, 16, 28, 29, 30

Session dates are subject to change.

Members of the General Assembly will be sworn in to office on Tuesday, January 1, 2019, at 12:00 p.m.

The Governor's Budget address is scheduled for Tuesday, February 5, 2019.