



Legislative Locator

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TAKE ACTION!

Attention Local Officials: Contact your [House Members](#) and **ask them to cosponsor Representative Russ Diamond's** memo [HCO 513](#) – advocating for Act 111, Collective Bargaining Reform! Both PML and PSATC have worked diligently to get legislation before the General Assembly in previous sessions, and we need to continue this effort. Representative Diamond's proposal will:

- Require the cost of arbitration to be shared equally by both sides;
- Require the arbitrators to justify the award based on facts and evidence;
- Require evidentiary hearings to be open to the public;
- Ensure that future pension benefits and post-retirement healthcare cannot be bargained;
- Expand the list of arbitrators; and
- Use a coin toss to initiate the arbitrator selection process.

If there are not enough cosponsors, Representative Diamond will not file the bill.



LEGISLATION OF INTEREST

Volunteer Fire, EMS and Rescue – Tuition Credit Program Established

Senate Bill 65 (PN 37), introduced by Senator Judy Ward, establishes the Volunteer Emergency Service Tuition Credit Program Act for active members in good standing of volunteer fire companies, ambulance services and rescue squads, including their dependent children and spouses.

The tuition credit of \$600 per year shall be eligible in the aggregate, not to exceed the four-year service maximum of \$2,400. The tuition credit program shall be utilized at a community college after a volunteer has signed a four-year service agreement in exchange for the tuition credit. Students utilizing the tuition credit program must maintain a “C” average in order to continue eligibility under the program.

The Office of the State Fire Commissioner shall develop procedures and forms necessary to carry out the program.

This legislation is a direct response to the Senate Resolution 6 Commission’s finding that volunteer services personnel are on the decline in PA and incentives to recruit and retain volunteers are crucial.

If enacted, this legislation will take effect in 30 days.

Location: Referred to Senate Education Committee, January 14, 2019

COSPONSOR MEMOS TO WATCH

Local Use of Radar

Two cosponsor memos have been issued in the House, [HCO 212](#) (already filed as House Bill 74) by Representative Greg Rothman, which establishes a six-year pilot program for accredited municipal and regional full-time police officers to use radar as a speed-timing device; and [HCO 787](#), issued by Representative Kurt Masser, which authorizes all full-time municipal police officers who are members of a full-service or regional police department to use radar as a speed timing device, following successful completion of an approved training course. Masser’s proposal adds the establishment of a new restricted account in which \$1 per fine will be added to the Municipal Law Enforcement Accreditation Fund within the State Treasury to fund the Pennsylvania Commission on Crime and Delinquency’s administration of the Municipal Law Enforcement Accreditation Grant Program. The Municipal Law Enforcement Accreditation Grant Program assists in the cost of keeping and helping police departments to become or remain professionalized in PA.



COSPONSOR MEMOS TO WATCH

Further Consolidation of Act 511 Tax Collection

Senator Patrick Browne recently issued [SCO 420](#), seeking support for legislation that would further consolidate the collection of local, non-real estate (Act 511) taxes by EIT Collectors. The legislation will provide an opt-out provision for municipalities that have passed a Resolution to retain their tax collection authority over the mercantile or business privilege tax.

State-Related Universities – Payment of Real Property Taxes

Representative Angel Cruz recently issued [HCO 415](#) (filed as House Bill 191) to garner support for legislation that would require state-related universities and other institutions of higher education to pay real-property taxes by amending the Institutions of Purely Public Charity Act.

PA Construction Code Act – Third-Party Agency Enforcement

Representative Doyle Heffley recently issued [HCO 438](#) to garner support for legislation that will amend the PA Construction Code Act, requiring those municipalities that enforce the Uniform Construction Code Act (UCC) through a third-party agency, to have at least two agencies under contract for UCC administration.

Tax Exempt Property Municipal Assistance Fund

Representative Bob Freeman has put out [HCO 351](#) to gather support for an initiative that will provide a dedicated state funding source to municipalities that have at least 15% tax-exempt property within the municipal border. The proposal will use money from the 18% Liquor Tax to fund municipalities that have a high level of tax-exempt property, ensuring essential services for citizens in those communities.



OTHER NEWS

PA EIT Collection Feasibility Study Complete

[House Resolution No. 291 of 2018](#) required the PA Department of Revenue to conduct a feasibility study on the potential for a statewide collection process for the local Earned Income Tax (EIT). To conduct the study, the department spent several months meeting and corresponding with various stakeholders to gather input. The information obtained through that dialogue was also considered along with the potential costs and administrative challenges that would result from implementing a statewide collection process for EIT.

Through the study, the department identified three options for the collection of EIT: the current process remains unchanged; the department implements a statewide EIT collection process; or the department only assumes the front-end processing of EIT returns. The third option is the costliest, but it is also determined to be the easiest option to implement. The report further indicates that Act 32 of 2008, the legislation that reformed EIT collection and administration across the state, has been viewed as a success. For more information on the study, [click here](#). Please remember, any change in collection requires the legislature's approval.

2019 Bid Limits Announced

The PA Department of Labor and Industry has announced changes to the base amounts triggering the requirement for public bids, telephonic bids, or separate bids, for certain contracts. There is a 2.3% change for this year. The base amount for public bids is \$20,600 and the base amount for written or telephonic bids is \$11,100, effective January 1, 2019. [Click here](#) for the complete list of base values.

House and Senate Session Days:

Senate: February: 4, 5

House: February: 4, 5, 6, 19, 20, 21

Session dates are subject to change.

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



NLC Joins Legal Battle to Halt FCC Small Cell Order

Litigation over the FCC's [fall preemptive order on small cell deployment](#) remains in full swing. On January 10, NLC [joined dozens of cities and local advocacy groups](#) as interveners in an ongoing lawsuit to overturn the FCC's small cell order. That same day, the 10th Circuit Court of Appeals denied a motion to stay the order, following a denial by the FCC of a similar stay motion made by NLC and a large number of cities. The 10th Circuit also chose to transfer the small cell cases to the 9th Circuit, which is hearing a related case on an [FCC order preempting local wireless siting moratoria](#).

In the short term, the circuit shuffling means very little for cities' day-to-day activities. Because the court and the FCC both [declined to stay implementation of the order](#), the order went into effect on January 14 as scheduled. In the FCC's denial of a motion to stay, the agency extended the deadline for cities to develop compliant aesthetic standards to April 15, 2019.

Longer-term activity at the court will be more significant for cities. The litigation, in which NLC and many state municipal leagues and individual cities are involved in, aims to overturn the FCC order entirely. The timeline for this case is uncertain – the FCC may ask the court to give it some time to resolve the petition for reconsideration it received in December, and regardless of how the case is decided, it is likely to be appealed.