

Legislative Locator

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



June 2020

TAKE ACTION

Cities are Essential Campaign: Be Sure Your Member of Congress Knows How Much COVID-19 has Cost Your Municipality!

As we look to July, we are also looking to the work Congress will be doing when it returns from its July 4 recess. The National League of Cities' advocacy team is expecting this to be the timing of a fourth relief bill. Now is the time to be certain your municipality has shared information on the local impact of the pandemic. Local "stories" are important to helping our elected representatives in Congress understand the impacts of this crisis on their constituents.

There are currently several bipartisan proposals in Congress to provide funding to local governments. Rather than endorsing one proposal over another, NLC is advocating for:

- \$500 billion over 2 years for the essential work of local government;
- Fair and direct funding to every local government;
- Equal funding for municipal and county government; and
- Maximum flexibility to use the funds to address the consequences of COVID-19.

[NLC's Advocacy page](#) has a letter you can use to send directly to your member of Congress, as well as Senators Casey and Toomey. You can customize the letters with local information before you send them. You can also use the letters as a template and send them on your own. **Alternatively, setting up a meeting with your Congressional member while they are on recess would be helpful.**

The fiscal health and economic recovery of *local government is essential* to the recovery of the nation. Take Action Today!

COSPONSOR MEMOS

Ending Immunity for Excessive Use of Force Act

Representative Jordan Harris has announced intention to introduce legislation, the Ending Immunity for Excessive Use of Force Act, eliminating provisions in law that provide blanket immunity for the use of force and ending sovereign and municipal immunity for instances of unjustified use of force that result in serious bodily injury or death.

Shared Services Grants

Representative Joe Ciresi has announced intention to introduce legislation establishing a new shared services grant program for local governments within the Department of Community and Economic Development. These shared services would include regionalization, consolidation, shared capacity, boundary change and personnel sharing.

Municipal Citizen Oversight Boards

Senator Anthony Williams has announced intention to introduce legislation requiring municipalities to create citizen oversight boards to review police department policies; procedures and orders; use of force incidents; and disciplinary matters. Additionally, state funding would be provided on a sliding scale based on the strength of public accountability.

ENACTED LEGISLATION

Act 28 of 2020

House Bill 1036

Signed: June 5, 2020

Effective: August 4, 2020

[Act 28](#) amends Title 8 (Boroughs) in several ways:

- Section 818 is amended to provide a petition and referendum process to reduce the size of council in a borough with 3,000 or fewer residents;
- Section 214 is amended to allow landowners in a first class township to petition county court to form a new borough if they meet specifications in the Borough Code; and
- Section 24A03 is amended to exempt from the Gross Receipts Tax the sale of electric power to a borough for resale inside the limits of the purchasing borough, and the sale of electric power by a borough inside the limits of the borough.

Act 34 of 2020

Senate Bill 1030

Signed: June 5, 2020

Effective: August 4, 2020

[Act 34](#) amends the Sewage Facilities Act to provide for the use of alternative on-lot sewage systems by removing the requirements to satisfy site suitability as permitted by a sewage enforcement officer and replacing them with the requirements of site conditions at the proposed new land development. The act also removes the Department of Environmental Protection's authority to develop scientific, technical and field testing standards to evaluate an alternative sewage system. It also removes the Department's authority to remove a sewage system's classification as an alternative system.

LEGISLATION OF INTEREST

Police Background Investigations

[House Bill 1841 \(PN 4011\)](#), introduced by Representative Harry Readshaw, amends Title 44 (Law and Justice) establishing new Chapter 73 for law enforcement background investigations and employment information. Law enforcement agencies would be required to conduct thorough background investigations on applicants, including employment and separation records. Law enforcement agencies would be required to disclose information about an applicant upon request, and if an agency fails to provide this information, the requesting law enforcement agency would be able to petition the Commonwealth Court. Additionally, law enforcement agencies would be immune from civil liability for employment information released to a prospective employing agency.

This bill would require the Municipal Police Officers' Education and Training Commission (MPOETC) to maintain a database with any disciplinary actions, civil or ethical complaints and/or criminal charges against an officer, as well as reasons for the officer's separation from their previous agency. Law enforcement agencies that hire an employee with certain disciplinary or criminal offenses as specified in the bill would be required to file a report with MPOETC indicating the agencies rationale for hiring.

Location: Signed in the Senate, June 30, 2020

Police Training and Mental Health Evaluations

[House Bill 1910 \(PN 4012\)](#), introduced by Representative Arthur Williams, would amend Title 42 (Judiciary and Judicial Procedure), Title 44 (Law and Justice) and Title 53 (Municipalities Generally). This bill would require magisterial judges to take at least one continuing education course in the identification and reporting of suspected child abuse.

The bill would also require a law enforcement officer to undergo a mental health evaluation for post-traumatic stress disorder by a licensed mental health professional as a condition of continued employment upon the request of the law enforcement officer, upon the

recommendation of a supervising law enforcement officer or within 30 days of an incident of use of lethal force while on duty. The Municipal Police Officers' Education and Training Commission (MPOETC) would be responsible for providing training on interacting with individuals of diverse racial, ethnic and economic background. MPOETC would also provide instruction on recognizing child abuse and mandated reporting.

Location: Signed in the Senate, June 30, 2020

Emergency Tax Anticipation Notes

House Bill 2536 (PN 3813), introduced by Representative James Lee, would amend Chapter 81 of Title 53 (Municipalities Generally) authorizing local governments to obtain tax anticipation notes with a maturity date on either December 31, 2021 or June 30, 2022, depending on whether the entity follows a calendar or fiscal budget year. This bill would help local governments manage cash flow during the current COVID-19 emergency.

Location: Senate Local Government Committee, June 29, 2020

Election of Municipal Authority Board Members

House Bill 2583 (PN 3898), introduced by Representative David Zimmerman, would amend Title 53 (Municipalities Generally) providing for the election of municipal authority board members. The board of an authority incorporated by one municipality would consist of five members, and a board of an authority incorporated by two or more municipalities would consist of at least five members, three at large and one member representing each municipality. A board member of an authority would not be able to serve any other elected office. The bill would also provide for candidate and election criteria.

Location: House Local Government Committee, June 8, 2020

Permit Extensions During a Disaster Emergency

House Bill 2586 (PN 3935), introduced by Representative Benjamin Sanchez, would amend Act 15 of 2020 adding provisions regarding permits issued by a municipality prior to an emergency declaration. This bill would provide that the period remaining to exercise rights under a permit would be suspended for the duration of the disaster emergency declaration. It would also add an additional 90 days to the expiration of a permit, and would require the holder of the permit to notify the issuing authority of the intention to exercise the extensions within 30 days after the termination of the disaster emergency declaration. An extended permit would be governed by the laws, administrative rules and ordinances in effect when the permit was issued. A municipality would not be restricted from requiring safe and sanitary maintenance of the property impacted by a permit extension.

This bill would also provide for permit extension exceptions, including: a permit outside the geographic area of the disaster emergency; a programmatic or regional permit issued by the

Army Corps of Engineers; a holder of a permit who is determined to be in significant noncompliance; and a permit that is subject to a court order with an expiration date that would be in conflict with an extension.

Location: House Local Government Committee, June 15, 2020

Physical Quorum Exception During Disaster Emergency Declarations

[House Bill 2587](#) (PN 3936), introduced by Representative Carol Hill-Evans, would amend Title 8 (Boroughs and Incorporated Towns) and Title 11 (Cities). Act 15 of 2020 allows for political subdivisions and its entities to meet virtually and provides for physical quorum exceptions. This bill would cross reference the provisions in Act 15 with Titles 8 and 11.

Location: House Local Government Committee, June 15, 2020

Act 111: Police Discipline

[House Bill 2602](#) (PN 3955), introduced by Representative Donna Bullock, would amend Act 111, the Policemen and Firemen Collective Bargaining Act. This bill would prohibit a collective bargaining agreement from containing any language that interferes, appears to interfere with or otherwise governs the conduct of any police misconduct investigation, disciplinary action or discipline records, including language to prevent public disclosure of discipline records and the findings of a misconduct investigation or disciplinary action. Additionally, the bill would make any records of a completed police misconduct investigation subject to public disclosure under the Right to Know Law.

Location: House Labor and Industry Committee, June 23, 2020

Police Use of Force Records and Report

[Senate Bill 459](#) (PN 1817), introduced by Senator Jay Costa, would amend Chapter 21 of Title 53 (Municipalities Generally) requiring each law enforcement agency to maintain records of all incidents involving use of force by a law enforcement officer. The Commissioner of the PA State Police, in consultation with the PA Chiefs of Police Association and the Fraternal Order of Police, would be responsible for developing the reporting mechanism. The bill would also require the PA State Police to compile an annual report based on the data collected from individual law enforcement agencies and submit it to the Office of Attorney General and the Senate and House Judiciary and Law and Justice Committees.

The bill would specify what records must be recorded, as well as the contents of the annual report.

Location: House Judiciary Committee, June 29, 2020

Recording Condemnation Orders

Senate Bill 940 (PN 1766), introduced by Senator John DiSanto, would amend the Municipal Code and Ordinance Act regarding condemnation orders.

This bill would define “condemnation order” and allow a municipality to file a condemnation order with the office of recorder of deeds in the property’s respective county. This record would serve as a notice to all purchasers that they are responsible for the property’s upkeep. A municipality would be able to recover the costs of recording the condemnation order from the tax sale proceeds or directly from the purchaser.

If a municipality vacates a condemnation order, the municipality would be required to file a statement with the office of recorder of deeds within 15 days. A properly recorded condemnation order would be a lien on the property and the validity of the condemnation order would not be affected by an upset, judicial, or repository sale of the property. Senate Bill 940 was introduced as a package with Senate Bill 941.

Location: *Second Consideration in the Senate, June 10, 2020*

Act 511 Clarification

Senate Bill 1188 (PN 1802), introduced by Senator John Blake, would amend Act 511, the Local Tax Enabling Act, clarifying that the calculation of the aggregate amount of all taxes under Section 320 of Act 511 excludes any revenues derived from taxes authorized by the Municipalities Financial Recovery Act, the Municipal Pension Plan Funding Standard and Recovery Act and a home rule municipality’s taxing authority.

This bill would also prohibit any local authority in the Commonwealth from levying, assessing or collecting an Amusement or Admissions Tax under the Local Tax Enabling Act on a passenger charge by a for-profit railroad that offers both freight and passenger service, while the majority of the railroad’s transport consists of freight carloads.

Location: *House Finance Committee, June 29, 2020*

Police Use of Force Policies

Senate Bill 1205 (PN 1818), introduced by Senator Sharif Street, would amend Chapter 21 of Title 53 (Municipalities Generally) requiring each law enforcement agency in the Commonwealth to develop and implement a written use of force policy governing the procedures under which a law enforcement officer should initiate, continue and terminate the use of force. Such policies would need to follow the guidelines in the bill to ensure consistency with training and certification standards. The policies would be required to prohibit the use of chokeholds by a law enforcement officer unless deadly force is authorized.

This bill would also provide for annual use of force training for law enforcement officers and for a biennial certification for law enforcement agencies in regards to having a use of force policy in effect.

Location: *House Judiciary Committee, June 29, 2020*



NATIONAL LEAGUE OF CITIES UPDATE

How Racism is Destroying the Infrastructure of America

Racism is destroying the infrastructure of America. But let's be clear— this issue is not new. It has been heightened and soon thereafter forgotten countless times in our nation's history by people in positions of power. This time needs to be different; we have a unique opportunity to re-examine our institutions and systems, and the chance to rebuild them from the ground up in a way that applies a racial lens to ensure our policies are inclusive.

Learn more about [NLC's Race, Equity, And Leadership \(REAL\) Program](#).

READ MORE

HOUSE AND SENATE SESSION DAYS 2020

House:

September 15-17, 29-30

October 1, 5-7, 19-21

November 10

**reminder - session dates are subject to change*



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