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Legislative Locator

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

August 2020

TAKE ACTION

It's Not too Late to Advocate!

The PA General Assembly and Congress are set to return in September for the final months of session. The League has tracked and advocated for various issues important to our members throughout the past two years and sent out monthly Take Action alerts. These last few session days are vital to push outstanding legislation over the finish line. There is still time to reach out to your state and federal legislators on the following issues:

Consumer Fireworks

Consumer fireworks have become a nuisance in communities across Pennsylvania, putting health and safety at risk while destroying quality of life. Several bills have been introduced to amend or repeal Act 43 of 2017, the Fireworks Law. The League's Board has changed its policy and is now advocating for the full repeal of Act 43. For more information and to view a sample op-ed regarding the repeal of Act 43, please visit our Repeal Consumer Fireworks Law webpage.

Unemployment Compensation Solvency Fee

The COVID-19 epidemic has resulted in unforeseen financial hits for municipalities across the commonwealth, leading municipalities to lay off employees. Representative David Delloso and Senator Tim Kearney have introduced companion bills allowing reimbursable employers to pay the solvency fee retroactively in order to be eligible for assistance with unemployment costs. To learn more about this issue and to view our previous take action alert, please visit our Unemployment Compensation Solvency Fee webpage.

Legal Advertising Relief

Representative Jason Ortitay and Senator John DiSanto introduced companion bills to expand the menu of advertising options for municipalities since it has become increasingly difficult and costly to meet the current advertising requirements. The advertising options would include both print and electronic publications. For more information, please visit our Legal Advertising Relief webpage.

Cities, Townships, and Boroughs are Essential

Lastly, The League has partnered with the National League of Cities (NLC) in a national campaign advocating for direct federal aid for municipalities. Even though they are locked in a stalemate, it is important for the PA Congressional Delegation to hear from municipal

leaders that existing emergency assistance is not enough. The League held a press conference including League Leadership to emphasize the need for direct funding. Please visit the NLC website for more information about the campaign and learn how to take action.

Again, it is not too late to advocate and contact your General Assembly or Congress members to encourage their support for legislation empowering local governments. If you are interested in legislation and would like to be more involved in The League, there are openings on our 2021-22 Legislative Committee; please contact Amy Sturges at asturges@pml.org.

Click here to access your state legislator's contact information.

COSPONSOR MEMOS

Providing Clarity on Tax Exempt Status for Nonprofit Organization

Representative Marty Flynn has announced intention to introduce legislation ensuring that the property tax exemption for nonprofits is functioning as intended by only exempting land that is actually used for charitable purposes.

Denial of Funding to Sanctuary Cities

Representative Ryan Warner has announced intention to introduce legislation withholding federal funding from a municipality that does not comply with federal immigration laws.

Municipal Property Tax Payment and Penalty Relief

Senator Scott Martin has announced intention to introduce legislation building upon relief measures in Act 15 of 2020 by permitting local governments to choose to extend their property tax discount period and/or waive penalties for late payments in 2021.

LEGISLATION OF INTEREST

Public Contract Bid Non-receipt Act

House Bill 1035 (PN 1207) and Senate Bill 494 (PN 528), introduced by Representative Christina Sappey and Senator Scott Martin, would amend the Act 78 of 1979 providing a procedure for municipalities that do not receive bids after advertising.

A municipality, municipal authority or transportation authority seeking a contract for services, and upon receiving zero bids the first time, may advertise for bids a second time. If no bids are received within 15 days of the second advertisement, the municipality or authority would be able to initiate negotiations for a contract for services with any provider not otherwise disqualified by law or policy of government. Prior to enacting the contract, the municipality or authority would be required to publicly announce the identity of the parties, proposed contract price and summary of other terms related to the contract to prove consistency with those previously advertised.

These bills would also specify that the misuse of the provisions of this act to evade advertising and bidding requirements would subject a member of the governing body of a municipality or authority who votes for the transaction to civil or criminal penalties, surcharges or other liabilities.

Location: *House Bill 1035: Second Consideration in the Senate, January 28, 2020*
Senate Bill 494: Passed the Senate; House Local Government Committee, June 15, 2020

Volunteer EMS and Fire Companies Right to Know Law

House Bill 1780 **(PN 4123)**, introduced by Representative Lee James, would amend Title 35 (Health and Safety) exempting the records of a volunteer EMS, fire or rescue company from access under the Right to Know Law. However, such records would be accessible if the volunteer company contracts with a commonwealth or local agency.

Location: *First Consideration in the Senate, July 13, 2020*

Alternative Government Study Commission for a Distressed Municipality

House Bill 2141 **(PN 3048)** and Senate Bill 988 **(PN 1455)**, introduced by Representative Dan Moul and Senator Scott Hutchinson, would amend Title 53 (Municipalities Generally) providing for an alternative process to form a government study commission to consider a home rule charter in a municipality that is currently in the Municipalities Financial Recovery Act Program (Act 47).

To be eligible, a distressed municipality would need to adopt a recovery plan under Act 47 that includes a recommendation to consider a transition to a home rule charter or amend an existing one. The eligible municipality would be allowed to vote to organize a government study commission by resolution. The commission membership would include the members of the municipality's governing body or a member's designee and the mayor or mayor's designee if the mayor is not a member of the governing body. A coordinator appointed by the Department of Community and Economic Development (DCED) under provisions of Act 47 would act as an ex officio member of the commission.

The commission would have the same powers and duties as a government study commission formed by referendum, including three additional responsibilities to study and consider; the recommendations within the distressed municipality's recovery plan; the municipal services currently provided by the distressed municipality that should be provided under a changed form of government; and the sources of fiscal and managerial dysfunction that exist under the municipality's current form of government that could be improved under a changed form of government.

The DCED coordinator would hold a public meeting within 30 days of publishing the commission's findings and provide testimony regarding the suitability of the proposals to address the causes of fiscal distress in the municipality. A copy of the report would be filed with DCED and the Local Government Commission.

Location: *House Bill 2141: Passed the House; Senate Local Government Committee, August 10, 2020*
Senate Bill 988: Senate Local Government Committee, January 17, 2020

Liquid Fuels Tax Municipal Allocation Law

House Bill 2672 **(PN 4097)**, introduced by Representative Lou Schmitt, would amend Title 53 (Municipalities Generally) clarifying that a municipality would not need to advertise, bid, or seek price quotations for maintenance or repair of traffic signals and systems if the municipality uses funds under the Liquid Fuels Tax Municipal Allocation Law.

Location: *House Transportation Committee, July 8, 2020*

Law Enforcement Badge Visibility

House Bill 2771 **(PN 4226)**, introduced by Representative Donna Bullock, would amend Title 53 (Municipalities Generally) requiring all uniformed municipal police officers to visibly display a badge, tag or label clearly identifying the officer at all times.

This bill provides an exception for a police officer who is empowered to make an arrest but is not in uniform.

Location: *House Judiciary Committee, August 7, 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: *Passed the Senate; House Urban Affairs Committee, July 22, 2020*

Please Note: Virtual Summit New Dates

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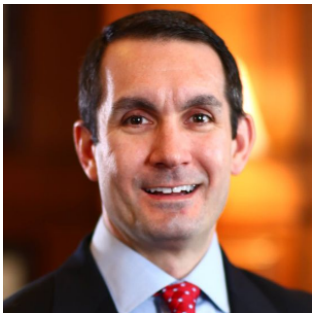

COVID-19 Facebook Live Video Chats

PA Auditor General Eugene DePasquale

Watch Here

State Transportation Commission 2021 12-Year Program

The State Transportation Commission (STC) and the Pennsylvania Department of Transportation (PennDOT) have adopted Pennsylvania's 2021 12-Year Transportation Program (TYP) including multimodal and fiscally constrained transportation improvements. Act 120 of 1970 requires PennDOT to prepare, update and submit the TYP every two years to the STC. Please visit the State Transportation Commission's website to learn more or view the report directly here.

NATIONAL LEAGUE OF CITIES UPDATE

Local Governments Report Progress on Coronavirus Relief Funds, But Few Unobligated Dollars Remain for Cities and Towns Waiting For Aid

Despite recent assertions to the contrary, information provided by the Treasury Department coupled with the latest data from national organizations representing state and local governments show that an overwhelming majority of CARES Act funds allocated for state and local governments (70%) have already been obligated and are not available for municipalities struggling to address unprecedented budgetary challenges. Most concerning, small municipalities and rural areas have been left out of the process entirely and, without an additional influx of direct aid from the federal government, are at serious risk of having their local economies wiped out. Overall, the funding provided thus far is not nearly sufficient to meet the critical needs of municipalities, which are facing a projected $360 billion revenue shortfall over the next three years as a result of the pandemic.

Read More

HOUSE AND SENATE SESSION DAYS 2020

House:
September 1-2, 15-17, 29-30
October 1, 19-21
November 10

Senate:
September 8-9, 21-23
October 5-7, 19-21
November 10

reminder - session dates are subject to change

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