

Legislative Locator

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



July 2021

Advocacy Olympics – Go for the Gold!

The Olympics are upon us, and as an advocate for your municipality, now is your chance to become an Advocacy Olympian! While the General Assembly is on summer recess, it is important that we continue our advocacy efforts and ensure The League's and PSATC's legislative priorities are on the top of legislators' minds when they return to session in September.

Become a gold medal Advocacy Olympian by completing all three advocacy actions below!

Please view detailed [talking points](#) for each of the issues and use as guidance when you contact your House and Senate members.

Please fill out this [advocacy feedback form](#) once you've contacted your legislator(s). Please provide your [feedback](#) regarding your advocacy efforts no later than August 18.

BRONZE

Local Use of Radar – Senate Bill 419 and House Bill 606

Local use of radar is a public safety measure that is long overdue. All municipal police officers should be authorized to use this tool. Senate Bill 419 passed the Senate and is in the House Transportation Committee, and House Bill 606 is awaiting final House consideration. House leadership said they will not take up the local radar bills unless it has a majority of support. Please call your House member to express the importance of this bill as a public safety measure. Find out where he or she stands on the issue. Ask if they will support a local radar bill if brought up for a vote - [Take Action](#).

SILVER

Stormwater Management Fees – House Bills 1287 and 1288

Municipalities should have the authority to assess reasonable and uniform fees on properties to pay for stormwater management activities in order to comply with stormwater mandates and MS4 requirements. Help to move the stormwater management fee bills out of the House Local Government Committee by contacting your House member in support of this measure - [Take Action](#).

GOLD

Repeal of the Consumer Fireworks Law – Act 43 of 2017

Act 43 of 2017 expanded the sale and use of fireworks in Pennsylvania to "consumer fireworks." Since enactment, public safety personnel have reported a significant increase in fireworks-related incidents and injuries, as well as significant constituent complaints.

Furthermore, Act 43 preempts stricter local regulations. The League is now advocating for a full repeal of Act 43 and asks that you please contact both your House and Senate members to support its repeal - [Take Action](#).

Click [here](#) to access your General Assembly member's contact information and provide your advocacy feedback by August 18 [here](#).



WEBINAR:

Municipal Regulation of 5G Wireless Facilities in the Wake of PA Act 50

www.pml.org

AUGUST 5, 2021
12:00 PM - 1:00 PM

This session will discuss two major new developments in municipal regulation of “small cell” facilities used for 5G wireless service. The first is Pennsylvania Act 50, entitled the “Small Wireless Facilities Deployment Act,” which was signed into law June 30, 2021. The second is the Federal Communications Commission’s (FCC’s) consequential Third Report and Order, which was allowed to stand by the U.S. Supreme Court on June 28, 2021. These developments have transformed the rights of municipalities to manage wireless facilities in the public rights-of-way. The presenters will also include recommendations for enacting a wireless ordinance that complies with federal and state law, protects municipal rights, and ensures a balance between the need for wireless broadband and the equally important need to preserve the character of your community.

[Register Here](#)

[Act 50 of 2021 Webpage](#)

Cosponsor Memos

Remote City Council Meetings

Representative Mark Rozzi has announced intention to introduce a bill allowing third class city governing bodies to meet remotely through telecommunication devices under any circumstances.

Infrastructure Project and Maintenance Study

Representative Jason Ortitay has announced intention to introduce a resolution directing the Legislative Budget and Finance Commission to conduct a study comparing the Pennsylvania Department of Transportation's ability and practices in completing and maintaining infrastructure projects to other states and countries.

Vetoed Legislation

Senate Bill 618

Vetoed: July 1, 2021

[Senate Bill 618 \(PN 945\)](#), introduced by Senator Kristin Phillips-Hill, would have added two new chapters to Title 35 (Health and Safety) regarding the COVID vaccine and limiting the authority of the Pennsylvania Secretary of Health.

This bill would have prohibited a government entity, including political subdivisions, and institutions of higher learning from requiring proof of COVID vaccination to use a service, to enter a building or to take part in an activity within the jurisdiction of the government entity or school. Additionally, a government entity would have been further prohibited from including information on an ID card or electronic tracking system regarding an individual's COVID vaccination status. A government entity would have also been prohibited from expending funds to develop an electronic tracking system for individuals who are not vaccinated.

Lastly, the bill would have prohibited the Secretary of Health from ordering a closure or requiring an individual who was not exposed or potentially exposed to a contagious disease to do any of the following: physically distance from other individuals; wear a universal face covering; conduct a specific hygiene practice; shelter in place, quarantine or isolate from other individuals; and restrict travel.

Legislation of Interest

Affordable Housing Tax Exemption

[House Bill 581 \(PN 1004\)](#), introduced by Representative Jared Solomon, would establish the Affordable Housing Unit Tax Exemption Act. The bill would authorize local taxing authorities to abate property taxes in order to encourage the development of affordable housing. Eligible low-income taxpayers may be granted a tax-exemption of either a 10-year tax exemption for new construction or improvements to affordable housing units in a designated deteriorated area, or a two-year exemption for new construction or improvements to affordable housing units in other areas not designated as deteriorated. The legislation would define affordable housing unit.

Location: Senate Urban Affairs Committee, July 7, 2021

Public Contract Bid Non-Receipt Act

[House Bill 1170 \(PN 1226\)](#) and [Senate Bill 478 \(PN 503\)](#), introduced by Representative Christina Sappey and Senator Cris Dush, would amend the Act 78 of 1979 providing procedure for municipalities that do not receive bids for services 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 and 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 HB 1170: First Consideration in the House, June 16, 2021

Location SB 478: House Local Government Committee, June 16, 2021

Storage of Comingled Motor Fuels

[House Bill 1230](#) (PN 1295), introduced by Representative Thomas Mehaffie, would amend Title 75 (Vehicles) regarding storage and use of comingled motor fuels.

Last session, Act 129 authorized the comingling of motor fuels by political subdivisions and volunteer emergency services. House Bill 1230 would clarify the law providing that the storage tank does not have to be on municipal property. An entity may also enter into an agreement with a property owner or lessor where a bulk storage tank is located in order to store and withdraw the comingled, tax-free motor fuel.

Location: First Consideration in the House, May 26, 2021

Training Reimbursement for Newly Elected Municipal Officials

[House Bill 1325](#) (PN 1425), introduced by Representative Wendi Thomas, would amend Title 8 (Boroughs and Towns) and Title 11 (Third Class Cities) allowing borough, town and third class city governing bodies to reimburse newly elected officials, prior to them taking office, for attendance at conferences, meetings and other educational training opportunities dealing with the functions and duties of their elected office.

Reimbursements would be limited to the registration fee, mileage for transportation and other expenses the local government agrees to pay. Each elected official would be required to provide an itemized list of expenses to their local governing body.

Location: House Rules Committee, June 16, 2021

Appointment of Two or More Engineers

[House Bills 1542](#) (PN 1673), [1543](#) (PN 1674), [1544](#) (PN 1675) and [1545](#) (PN 1676), introduced by Representative David Zimmerman, would amend the Borough, Third Class City, First Class Township and Second Class Township Codes requiring each local governing body to appoint, through a competitive bidding process, at least two municipal engineers.

A local governing body may receive a waiver if no bidding offers are obtained from qualified registered civil engineers to meet the two engineer requirement as long as the municipality does the following:

- completes a certification form before the contract with the selected engineer is executed and maintains the form throughout the life of the contract with the engineer;
- completes the certification form annually; and
- files a copy of the certification form with the Department of Labor and Industry.

The Department would require the municipality to disclose the number or qualified bids received and disclose methods and dates of public advertisement.

Location: House Local Government Committee, June 3, 2021

Archival Records Modernization

Senate Bill 116 (PN 87), introduced by Senator Mario Scavello, would amend Title 37 (Historical and Museums) regarding archival records.

This bill would update the History Code. Among other provisions, it would add language to protect and recover Commonwealth and local government records. If a local government agency has reasonable grounds to believe an archival record is in the possession of a person, organization, institution or other entity not authorized by the local government agency to possess that record, the local government agency may request the Pennsylvania Historical and Museum Commission (PHMC) to act on its behalf, or elect to act on its own behalf, to request the immediate return of the record. Upon notice from the local government agency or PHMC, the person, organization, institution or other entity in possession of the record may not destroy, alter, transfer, convey or otherwise alienate the record unless authorized by the local government or an order by a court of competent jurisdiction.

The bill would also exempt a state archive's record that is 75 years or older from public disclosure, would provide a procedure to dispose of abandoned property on loan to the PHMC and would remove language regarding obsolete Commission procedures and properties no longer owned by the PHMC. Lastly, the bill would add definitions for archival records, the state archives and the state archivist.

Location: House State Government Committee, March 17, 2021

Changes to Home Rule Law Ballot Questions

Senate Bill 524 (PN 599), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) regarding Home Rule ballot questions. Currently, the law permits three differently worded ballot questions regarding the government study commission to appear on a ballot and be defeated in three consecutive elections before prohibiting further proceedings. This bill would limit the three ballot questions to one in a four-year period. Additionally, the ballot questions would no longer be able to appear on primary election ballots.

Location: House Local Government Committee, June 15, 2021

Municipalities Planning Code PA Turnpike Commission Exemption

Senate Bill 737 (PN 841), introduced by Senator Wayne Langerholc, would amend the Municipalities Planning Code.

Currently, the Pennsylvania Department of Transportation (PennDOT) is exempt from local municipal ordinances and is not required to adhere to the Pennsylvania Department of Environmental Protection's regulations regarding the National Pollutant Discharge Elimination System. This bill would place the Pennsylvania Turnpike Commission under the same exemption as PennDOT.

Location: First Consideration in the Senate, June 8, 2021

Banning Car Boots and Locking Devices

Senate Bill 796 (PN 969), introduced by Daniel Laughlin, would amend Title 53 (Municipalities Generally) adding preemptive language prohibiting municipalities from adopting or enforcing an ordinance or resolution authorizing the municipality to place locking devices on either a vehicle's wheels or steering wheel within its jurisdiction.

Location: Senate Local Government Committee, June 25, 2021



NATIONAL LEAGUE OF CITIES UPDATE

Advancing Justice and Community Safety via the American Rescue

Plan

On July 12, 2021, the Biden-Harris administration released a memo advising Local and State Governments on how they can – and should – use the President’s Gun Crime Reduction Strategy and historic funding through the American Rescue Plan Act (ARPA) to improve public safety. This memo, alongside the larger federal strategy, builds upon the momentum in cities across the country to utilize recent federal investments as a catalyst for longer-term change.

[Read More](#)

HOUSE AND SENATE SESSION DAYS 2021

House:

September 27-29

Senate:

September 20-22, 27-29

**reminder - session dates are subject to change*



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**Pennsylvania Municipal League**

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