



Legislative Locator

A Monthly Publication of The Pennsylvania Municipal League

May 2019

TAKE ACTION!

Attention Local Officials:

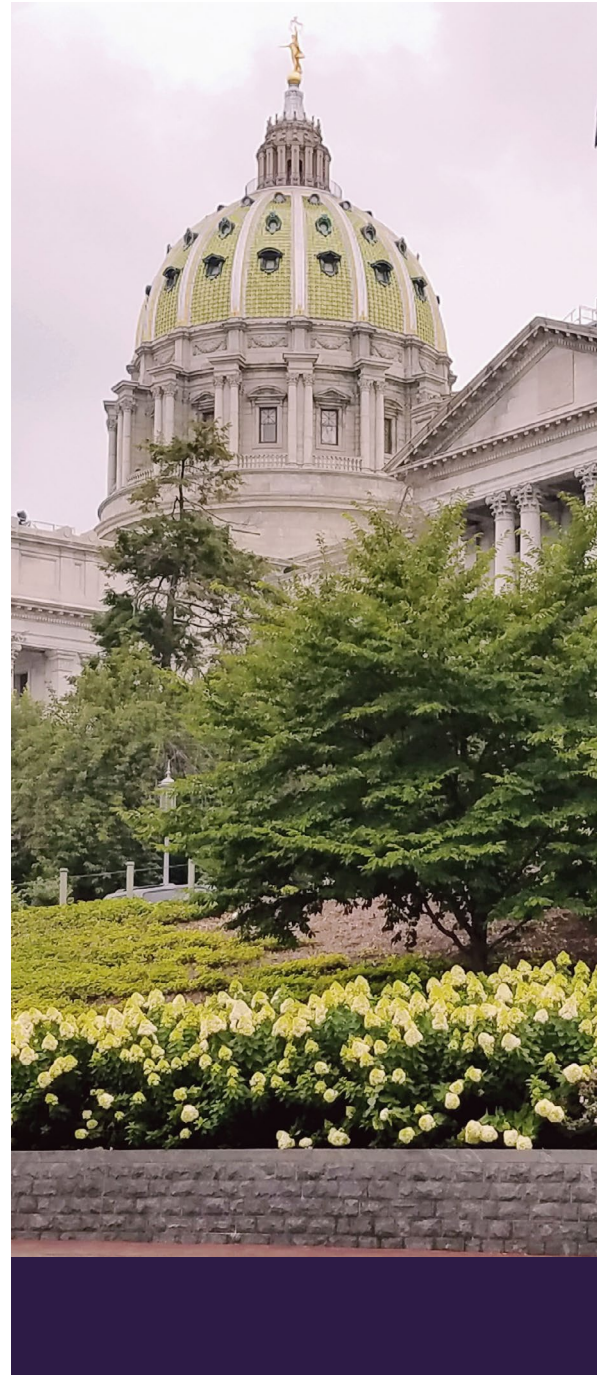
Please reach out to your Senators and members of the [Senate Transportation Committee](#) where [Senate Bill 607](#) awaits a vote - and express your support! **Senate Bill 607 (PN 675) authorizes the use of radar and LIDAR for all municipal police. This proposal is supported by the Radar Coalition, which includes The League and PSATC.**

Please consider adopting a resolution supporting local use of radar in your municipality. We are providing a [sample resolution](#) on our website. If you have adopted a resolution in past sessions, it should be updated.

In addition, we are providing a [sample press release](#) to use after adopting a resolution to let your residents know that municipal radar is a priority in your community and to encourage them to advocate for the passage of Senate Bill 607, too.

Three other proposals have been introduced this session, which include provisions that authorize the restricted use of radar, they are: [House Bill 74 \(PN 78\)](#), introduced by Representative Greg Rothman; [House Bill 352 \(PN 328\)](#), introduced by Representative Bill Kortz; and [House Bill 1275 \(PN 1483\)](#), introduced by Representative Kurt Masser. **The League and PSATC currently do not support these proposals as drafted due to their restrictive nature.** All three of these bills are currently before the House Transportation Committee.

(See SB 607 summary on next page)





Local Use of Radar and LIDAR

Senate Bill 607 (PN 675), introduced by Senator Mario Scavello, amends Title 75 (Vehicles) authorizing the local use of both radar and LIDAR by any police officer. Prior to use, a municipality, or each municipality in a regional police department, must adopt an ordinance authorizing the use of radar and/or LIDAR and signage must be placed within 500 feet of the border of the municipality on the main arteries entering the municipality. Police officers must also complete an approved training course.

The bill provides for an initial 90-day written warning period for violations. A person may not be convicted with evidence obtained from a speed-timing device unless his speed is recorded at more than 10 miles-per-hour in excess of the legal speed limit or six or more miles-per-hour on an interstate highway with a posted speed of 70 miles-per-hour. Finally, there is a cap on the revenue that can be generated by speed enforcement citations at 20% of a municipality's total budget. Excess revenue must be remitted to the Department of Revenue for deposit in the Motor License Fund.

This bill is nearly identical to Senate Bill 251 that passed the Senate last session.

If enacted, Senate Bill 607 will take effect in 120 days.

Location: Senate Transportation Committee, April 30, 2019

LEGISLATION ENACTED

Act 4 of 2019

House Bill 264 (PN 361)

Signed: May 1, 2019

Effective: July 30, 2019

Act 4 updates the Municipal Authorities Act concerning authority funds and fiscal reporting by requiring the following:

- Money due to an authority must be remitted to the treasurer or other designated person; it must be remitted in the name of the authority, rather than an individual; and deposited in a designated depository.
- Authorities must establish procedures for billing, collecting and handling money that follow general accounting principles.
- The annual audit and financial report must be presented and voted upon at an authority board meeting.
- An authority must file on or before 180 days following the end of its fiscal year, an annual report with DCED and the municipality or municipalities that created it. Such reports must also be provided to any municipality with residents served by the authority.

LEGISLATION OF INTEREST

Newly Elected Supervisors

Senate Bill 316 (PN 295), introduced by Senator John Gordner, amends the Second Class Township Code allowing a township to pay for newly elected supervisors to attend conferences, institutes, schools and conventions dealing with the duties and functions of elected or appointed officers, before officially taking office.

If enacted, this legislation will take effect in 60 days.

Location: Passed Senate; House Local Government Committee, May 2, 2019

Grants to Act 47 Municipalities

Senate Bill 570 (PN 761), introduced by Senator Wayne Langerholc, amends Act 47 of 1987, known as the Municipalities Financial Recovery Act, establishing recovery grants for distressed municipalities.

Senate Bill 570 makes grant monies available to distressed municipalities under Act 47 by rerouting 1/18 of the 18% tax on alcoholic beverages authorized by the Johnstown Flood Tax (Act 4 of 1936). Tax revenue will be deposited into the Distressed Municipalities Recovery Fund established by the Commonwealth Financing Authority under this bill. The dollar amount is estimated to be \$20.6 million according to last year's reported revenue. Grants will be issued by the Commonwealth Financing Authority exclusively to distressed municipalities for the following eligible projects:

- to repair or replace critical infrastructure or equipment owned or maintained by the municipality;
- to reduce debt obligations;
- for costs associated with the transition to shared services with another jurisdiction;
- for economic development projects; and
- for crime prevention and reduction programs and initiatives.

DCED will review the applications for grant funding as requested by the Commonwealth Financing Authority and provide recommendations on the priority of projects.

If enacted, this legislation will take effect in 90 days.

Location: Senate Community, Economic and Recreational Development Committee, May 9, 2019

Local Regulation of Firearms

Senate Bill 625 (PN 776), introduced by Senator Maria Collett, amends Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) giving municipalities the option to regulate by ordinance the possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported on any property owned, operated or maintained by the municipality, including, but not limited to: buildings, parks and conveyances or vehicles.

If enacted, this legislation will take effect in 60 days.

Location: Senate Local Government Committee, May 13, 2019

LEGISLATION OF INTEREST

Consolidation of Local Tax Collection

Senate Bill 636 (PN 770), introduced by Senator Pat Browne, amends Act 511 of 1965, known as the Local Tax Enabling Act, requiring tax collection committees to begin collecting the remaining non-real estate taxes authorized under the Act.

In 2008, tax collection districts, tax collection committees and tax collection officers were established by Act 32, consolidating the collection of local income taxes.

Last session, legislation similar to Senate Bill 636 was introduced and passed the Senate, but it was heavily amended in the House, where it stalled.

Senate Bill 636, while charging tax collection committees with collection of all non-real estate taxes, excludes the Payroll Tax, and provides an opt-out for the Business Privilege or Mercantile Tax. A political subdivision must adopt a resolution within 90 days of the enactment of the bill in order to retain its tax collection authority over the Business Privilege or Mercantile Tax. In addition, each tax collection committee appeals board is given jurisdiction to hear all appeals except those regarding Real-Estate or Payroll taxes. A copy of an appeal shall be filed concurrently with the taxing jurisdiction.

If enacted, this legislation will take effect January 1, 2021, or immediately, whichever is later.

Location: Senate Local Government Committee, May 10, 2019

Right-to-Know Law – Commercial Requests

House Bill 283 (PN 1736), introduced by Representative Justin Simmons, amends the Right-to-Know Law concerning records requested for a commercial purpose. Commercial purpose is defined as the use of a record for the purpose of: selling or reselling any portion of a record; obtaining names and addresses for the purpose of commercial solicitation; or for any other purpose which the requester can reasonably expect to generate revenue. The bill provides that use of a record by a nonprofit educational or scientific institution for research or use of a record by the news media, a journalist or author, do not constitute a commercial purpose.

In terms of written requests, an agency may require a requester to certify in writing whether the request is for a commercial purpose. Certification will be proscribed by the Office of Open Records. A false certification is subject to penalty.

This legislation authorizes agencies to charge additional fees for responding to commercial requests. Fees must be reasonable, approved by the Office of Open Records and not established with the motive of making a profit. The bill also clarifies that with any fees, an agency and requester may enter into a contract that provides for an alternative fee arrangement. And, finally, fees charged may be appealed to the Office of Open Records.

If enacted, this legislation will take effect in 60 days.

Location: Received First Consideration in the House, May 6, 2019

LEGISLATION OF INTEREST

Solid Waste Management Act

House Bill 476 (PN 1455), introduced by Representative Zachary Mako, amends the Solid Waste Management Act (SWMA) requiring DEP to notify municipalities of certain environmental violations that occur within a municipality.

When DEP receives a notice of noncompliance from the Environmental Protection Agency for a violation of the SWMA or the Toxic Substances Control Act (TSCA), it must forward notification to the municipality where the violation has occurred. Currently, notification is not required and a local government may have no idea that there is a public health concern.

A municipality may opt out of the notice requirement by sending a request to do so in writing to the Regional Waste Program Manager at DEP.

If enacted, this legislation will take effect in 60 days.

Location: Passed House; Senate Environmental Resources and Energy Committee, May 3, 2019

Act 47 – Responsibilities of Appointed Coordinator and Receiver

House Bill 1246 (PN 1450) and **Senate Bill 554 (PN 760)**, introduced by Representative Robert Freeman and Senator Tim Kearney, respectively, amend Act 47 – the Municipalities Financial Recovery Act.

The bills prohibit a coordinator from engaging in any conduct prohibited by the State Adverse Interest Act or the Public Official or Employee Ethics Act. The conduct of a receiver is already provided for by both of these ethics-related Acts.

Further, the legislation clarifies that it is not a conflict of interest for a person to be appointed as a coordinator or a receiver who has previously contracted with a municipality as a coordinator, receiver, financial consultant, legal counsel or through a contract under the Early Intervention Program. A coordinator or a receiver will also be prohibited from using their appointment to obtain any kind of financial compensation from a financially distressed municipality, unless it is expressly authorized under contract. And, finally, a coordinator or a receiver will be prohibited from receiving any form of compensation or profit where municipal assets are sold under the direct or indirect control of the distressed municipality.

A violation of the provisions above can result in termination of a coordinator's or receiver's contract.

If enacted, this legislation will take effect in 60 days.

Location: House Bill 1246 Received First Consideration before the House, May 6, 2019

Senate Bill 554 – Senate Community Economic and Recreational Development Committee, May 9, 2019



COSPONSOR MEMOS TO WATCH

Law Enforcement – Deadly Use of Force

Cosponsor memo [HCO 1675](#), issued by Representative Summer Lee, seeks support for a proposal that will mandate that de-escalation and non-lethal force options must be exhausted by a police officer before the use of lethal force can be executed. Lethal force must only be used and justified to prevent imminent threat to life.

Plastic Bag Fee

Representatives Brian Sims and Jared Solomon issued cosponsor memo [HCO 984](#) seeking support for a proposal that establishes a two cent per non-reusable plastic bag fee paid by purchasers of consumer goods at retail establishments grossing over \$1 million annually. Fifty percent of the fees collected will be returned to the retail establishments for use in their internal recycling efforts. The remaining 50% will go toward state recycling programs.

Fireworks Law Amendments

Senators Gene Yaw and Elder Vogel issued cosponsor memo [SCO 673](#) seeking support for a proposal that amends the Firework’s Law to reflect the recent court ruling that removes the National Fire Protection Association as the rule-making authority.

House and Senate Session Days:

Senate: June: 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

House: June: 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

Session dates are subject to change.



**PSATC Local Elected and Appointed Officials
Last Chance to Register!**

Dedicated to the Memory of Aston Commissioner James W. McGinn



Lessons In Leadership

2019 PSATC

Annual Educational Conference

June 20, 21, 22 & 23, 2019

Wyndham Gettysburg Hotel • Gettysburg, PA



Please find registration information on our website at PML.org.

SAVE THE DATE!

June 11, 2019

**League
Sustainability
Conference**

Toftrees Resort & Conference Center

Session Titles Will Include:

- Parks and Rec - Creating a Sustainability Task Force
- EcoDistricts
- Driving PA Forward
- Recycling

www.pml.org






Infrastructure Week: Panels Shine Light on Water Infrastructure Needs, Innovation

On May 15, NLC partnered with the [Value of Water Campaign](#) on a briefing to examine local water infrastructure needs and how smart-water solutions – like hardware, software and analytics – are becoming more popular and necessary. The [Future is Now: Smart Water Infrastructure](#) session featured a cross-sector panel of leaders who discussed the future of smart water infrastructure solutions – how they can be deployed to solve our most pressing water infrastructure challenges and the role policymakers can play in making those solutions a reality.

Panelists explored how cities and water utilities can meet infrastructure needs of the future in a sustainable way by investing in technologies to improve system reliability, maintain rate affordability and create process stability. As cities, towns and villages face a myriad of water infrastructure challenges – from aging infrastructure to climate change and workforce challenges – innovative solutions, like green infrastructure, can provide a multitude of community benefits.

Opening the briefing, Corina Lopez, Vice Mayor of San Leandro, California, spoke about her city’s use of smart-sewer technology to share data and track water levels. The city hopes to use manhole sensors to identify where rainwater is getting into their system. This information will help San Leandro lower operating costs in the winter and increase their effluent quality during storms. The smart-sewer pilot program allows the city to get information quickly and in real time if there is a backup or diversion during storms and helps ensure that the system is operating efficiently and effectively.

On May 16, at a Bipartisan Policy Center briefing on [EPA’s Role in Building Critical Infrastructure](#), the conversation picked up on many of the themes from the previous day: aging infrastructure, affordability and innovation. Our nation’s aging infrastructure costs cities billions in lost revenue – \$14-15 billion annually, due to leaking pipes and water main breaks. As infrastructure needs increase, maintaining affordable water rates has become a challenge for cities. Between 2000 and 2017 water prices grew by 140%, far outpacing the rate of inflation or other utility prices. Currently, 11% of Americans have water bills that are deemed unaffordable, in that they make up too large of a percent of a household income; that percentage is expected to climb to 35% soon.

Integrated planning is another solution for cities to meet water infrastructure needs in a more efficient manner through the sequencing and scheduling of projects. Investing in green infrastructure to manage storm water, rather than gray infrastructure, can not only save a city money, but can also provide other economic and health benefits such as increased tree canopy and reduced heat island effect.

As with NLC’s [Rebuild With Us](#) infrastructure campaign, both panels made the case for a federal partner with local governments to upgrade, maintain and build the necessary water infrastructure to meet the needs of communities for the 21st century.



pennsylvania

COUNCIL ON THE ARTS

FOR IMMEDIATE RELEASE

May 1, 2019

Pennsylvania Council on the Arts Launches Pennsylvania Creative Communities Initiative

Harrisburg, PA – Continuing to support vibrant communities, the Pennsylvania Council on the Arts (PCA) is launching *Pennsylvania Creative Communities* to spur community-driven, arts-based projects that inspire livability, economic development, and community connectedness. Funded projects will have a demonstrated, positive impact on their communities.

“The arts are increasingly recognized for their value, not only to the welfare and well-being of our citizens, but also as a contributor to the economic health of the commonwealth,” said Governor Wolf. “A thriving local arts community has been linked to increased health, prosperity, and to innovative business economies in both rural and urban areas.”

PCA will select two to four pilot communities to each receive up to \$25,000 per year for up to four years. Eligible applicants include local governments and 501(c)(3) and 501(c)(6) organizations.

“Pennsylvania enjoys a robust creative sector and many distinguished cultural assets that can help stimulate local economies, civic engagement, revitalization, and innovation,” PCA Executive Director Karl Blischke said. “We look forward to supporting projects driven by local input and needs and harnessing the power of the arts to help build communities.”

The community selection process will begin with the submission of letters of interest, followed by review and site visits to a limited number of communities. Selected communities will be invited to submit a full application.

Submission instructions, program selection criteria, and application guidelines are at arts.pa.gov. Letters of interest may be submitted May 31 to June 28, 2019. Inquiries should be directed to Sarah Merritt at skmerritt@pa.gov or 717-787-1521.

The Pennsylvania Council on the Arts (PCA) is a state agency under the Office of the Governor. By leveraging the immense potential of Pennsylvania’s arts and cultural sector, the PCA supports jobs, builds community, motivates learning, promotes the commonwealth nationally and internationally, and sparks innovation. Governed by a Council of 15 citizen members appointed by the governor, and 4 legislative members, the mission of the PCA is to strengthen the cultural, educational, and economic vitality of Pennsylvania’s communities through the arts.

MEDIA CONTACT: Norah Johnson, 717.525.5549