

# Legislative Locator

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



**Legislative  
Locator**

**May 2021**

## **Take Action: Local Advertising Modernization Legislation**

The League's effort to modernize municipal advertising requirements has met some opposition and hesitancy in the General Assembly.

[House Bill 955](#) and [Senate Bill 252](#), introduced by Representative Jason Ortity and Senator John DiSanto respectively, would provide local governments with an optional and larger menu of outlets to publish advertisements, including electronically or in a printed format.

The House Local Government Committee held a hearing for House Bill 955 on May 26 and the Senate Local Government Committee is expected to hold a hearing on Senate Bill 252 in the near future. In addition to the normal opposition from the PA News Media Association, the chairs of the House and Senate Local Government Committees are hesitant to move these bills forward, citing concerns about transparency and access. They are concerned that providing local governments with multiple outlets will make finding the advertisements more difficult, resulting in less transparency to the public. There is also apprehension regarding the lack of broadband and internet access in many communities.

We need your help to address and ease these concerns by reaching out to your General Assembly members. These bills would not decrease transparency because municipalities are required to adopt a resolution declaring intent to use one or more advertising methods, and then to publish notice of that intent in a public newspaper. Additionally, this is an optional tool allowing each governing body to choose the medium or media that reaches the most people in their community, whether that be print, electronic or both.

Please take action and [contact](#) your State Representative and Senator requesting that they support these bills.

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## **American Rescue Plan Act Interim Final Rule**

On May 10, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments.

Treasury also released the Interim Final Rule detailing how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding to address these needs.

Entitlement communities (metropolitan) may [request funding directly from Treasury](#). All municipalities receiving direct payments from Treasury need to have a Data Universal Numbering System (DUNS) and an active registration with the System for Award Management (SAM) database. For more information about obtaining a DUNS number and SAM registration, please visit this [website](#).

Non-entitlement communities will receive funding from their applicable state government, not through Treasury. Please review [Treasury's guidance for non-entitlement communities](#).

Please [visit our website](#) for more information and resources regarding Treasury's guidance for the Coronavirus State and Local Fiscal Recovery Funds.

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## PA Regional Greenhouse Gas Initiative (RGGI) Reinvestment Survey

Pennsylvania's Department of Environmental Protection (DEP) is in the process of adopting and implementing its Regional Greenhouse Gas Initiative (RGGI) program, focused on reducing carbon emissions, improving air quality and public health and advancing climate resiliency throughout the state.

To help inform the program's prospective policies, investment plan and ongoing engagement strategies, DEP has engaged Delta Institute to connect with stakeholders throughout the Commonwealth to share information on the planned program, to gather input on its anticipated benefits and impacts and to hear regional priorities around how the program's revenues should be invested.

As part of this effort, DEP is collecting input from municipalities throughout every region of the state, and setting up discussions to gather existing questions, thoughts or opinions on the RGGI program and its prospective programmatic investments.

Please support DEP's efforts by responding to their survey, which will be open until July 15.

Take Survey

## Cosponsor Memos

### Payroll Tax for Municipalities

Representative Robert Merski has announced intention to introduce legislation permitting municipalities to levy a 0.55 percent payroll tax.

### Public Meeting Prior to the Sale or Lease of a Municipal Asset

Representative Jim Cox has announced intention to introduce legislation requiring a municipality to have at least one publicly advertised meeting prior to the sale or lease of a municipally owned sewer or water system.

## Legislation of Interest

### Provisional Hiring Standards

[House Bill 764 \(PN 1416\)](#), introduced by Representative Brett Miller, would amend Title 23 (Domestic Relations) allowing an employer to hire an employee on a provisional basis not to exceed 45 days while background checks and clearances are obtained. A child day-care center, group day-care home or family child-care home would be able to employ an applicant on a provisional basis for a single period not to exceed 45 days and would no longer be required to receive a waiver from the Department of Human Services. Employees seeking provisional employment would have to meet standards specified in the bill.

*Location: First Consideration in the House, May 4, 2021*

## Stormwater Management Fees Authorized

**House Bills [1287 \(PN 1378\)](#) and [1288 \(PN 1379\)](#)** introduced by Representative James Struzzi, would amend the Borough, Third Class City and First Class Township Codes authorizing political subdivisions to plan, manage, implement, construct and maintain stormwater facilities. Each municipality must enact an ordinance to govern and regulate stormwater management.

All political subdivisions would be authorized to assess reasonable and uniform fees on properties to pay for stormwater management activities. Fees would be based on the characteristics of the property receiving the benefit, and municipalities would have the ability to provide exemptions and credits for installed and maintained stormwater facilities that meet best practice standards. Fees levied by a local government may be assessed in one of the following ways:

- on all properties in a municipality;
- on all properties receiving a benefit by a specific stormwater project; and
- by establishing stormwater management districts and assessing a fee on all property owners within the designated district.

Any fees collected would only be used for the purposes authorized by these bills.

*Location: House Local Government Committee, April 27, 2021*

## Real Estate Tax Lien Reform

**House Bills [1345 \(PN 1460\)](#), [1346 \(PN 1461\)](#) and [1347 \(PN 1462\)](#)**, introduced by Representatives Barbara Gleim, Tim O'Neal and David Rowe respectively, are a package of bills amending the Real Estate Tax Sale Law, Second Class City Treasurer's Sale and Collection Act and the Municipal Claim and Tax Lien Law to restructure the order in which creditors receive compensation following the tax sale of a property with delinquent real estate taxes.

Current law has established specific orders for when creditors receive compensation from an upset tax sale or judicial tax sale of a property with delinquent real estate taxes. Citing an effort to create a more equitable process, these bills would require distributions to creditors be made in the order in which the judgement was filed, providing for a satisfaction of a lien on a first come first serve basis for delinquent county, third class city, second class city, borough, town, township and school district real estate taxes. Additionally, satisfaction of a lien for taxes and municipal improvements, removal of nuisances and for water rents or rates, sewer rates and lighting rates would also be on a first come first serve basis.

*Location: House Finance Committee, May 6, 2021*

## Limiting Future Public Officials to One Pension

**House Bill [1442 \(PN 1556\)](#)**, introduced by Representative Anthony DeLuca, would create the Multiple Pension Systems Act limiting future public officials to one pension. Those eligible for two or more pensions funded by state or local tax dollars would be able to choose their pension or would automatically receive the highest pension.

This bill would not apply to beneficiaries or any federal pension systems.

## Public Utility Preemption of Local Government

[Senate Bill 275 \(PN 263\)](#), introduced by Senator Gene Yaw, would amend Title 53 (Municipalities Generally) preempting municipalities regarding utilities and sources of energy.

A municipality would be prohibited from adopting a policy that restricts, or has the effect of restricting or prohibiting: the connection or reconnection of a utility service based on the type of source of energy; or the ability of an individual or entity within the municipality to use an authorized utility services provider. Furthermore, municipal policy may not discriminate against a utility service provider based on the nature or source of the utility service provided to consumers.

Earlier this month, The League testified in opposition to the bill during a joint hearing held by the Senate Local Government and Senate Environmental Resources and Energy Committees, citing issues with preemptive and ambiguous language.

Location: Senate Local Government Committee, February 24, 2021

## Water Quality Accountability Act

[Senate Bill 597 \(PN 801\)](#), introduced by Patrick Stefano, would amend Title 66 (Public Utilities) adding a new chapter regarding water and waste water asset management plans.

Within 12 months of the bill's enactment, a water and wastewater system operator would be required to submit an asset management plan for review and approval to the Public Utility Commission (PUC); such plans would need to be updated and submitted for approval every three years. Asset management plans would need to ensure inspection, maintenance, repairs and renewals of water and wastewater infrastructure are within state and federal regulations. The bill would require detailed information be included in the asset management plans, such as: a map of infrastructure location; a schedule for infrastructure repair and replacement; projected expenditures needed to complete the plan; setting of rates; and certification of a cyber security plan among several other requirements.

Any water or wastewater system operator that does not file an asset management plan or comply with the provisions of this bill would be placed under PUC oversight.

Location: Senate Consumer Protection and Professional Licensure Committee, April 21, 2021

## Pension Credit for Prior Law Enforcement Service

[Senate Bill 669 \(PN 773\)](#), introduced by Senator Mike Regan, would amend Title 53 (Municipalities Generally) permitting full-time municipal or regional police officers, who were previously employed by a different department as part-time or full-time officers, the option to purchase or buy back the previous part-time employment up to five years for pension benefit purposes.

Municipalities would be required to amend their ordinance that establishes their police pension fund to authorize the pension credit.

Location: Senate Law and Justice Committee, May 10, 2021

On March 11, President Biden signed the \$1.9 trillion American Rescue Plan Act of 2021 (ARPA). The ARPA makes a historic investment in our nation's local governments by establishing the \$362 billion Coronavirus State and Local Fiscal Recovery Fund (Recovery Fund). Under the new program, \$130 billion is directed to every county, city, town and village in America.

[Read More](#)

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## HOUSE AND SENATE SESSION DAYS 2021

### House:

June 7-9, 14-16, 21-25, 28-30

### Senate:

June 7-9, 14-16, 21-23, 28-30

*\*reminder - session dates are subject to change*



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### Pennsylvania Municipal League

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