

LEGISLATIVE LOCATOR

Your source for legislative reporting and advocacy

A Monthly Publication of the Pennsylvania Municipal League

December 2017

Take Action!

Local Use of Radar – Help Maintain the Momentum!

We'd like to remind you that **local authorization of radar is further along in the legislative process than ever before!** **Senate Bill 251** passed the full Senate with a vote of 46 to 3! Now, the radar legislation is before the House Transportation Committee. The next step is to vote the bill out of Committee to the House floor for a full vote. **Contact members of the [House Transportation Committee](#) and communicate your municipality's interest in having Senate Bill 251 called up for a "YES VOTE"!**

Thanks again for all of your work in getting Senate Bill 251 through the Senate and to the House! We will continue to keep you notified of any action on the bill.

Attention Local Officials

Get familiar with your Association's 2018 Legislative Priorities!

For PML members, [click here!](#)



PSATC members, [click here!](#)



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Legislation of Interest

Parking Authority Enforcement Powers

Senate Bill 736 (PN 899), introduced by Senator Scott Martin, amends Title 75 (Vehicles) to authorize parking authorities in second class A cities (Scranton) and third class cities to adjudicate parking violations and to oversee administrative hearings, rather than criminal courts. A city must adopt a local ordinance or resolution to authorize the enforcement option.

In addition, cities of the second class A and third class may enter into agreements with a parking authority to transfer a portion of the fines, penalties and costs collected.

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

Location: *Signed in both chambers; last day for Governor's action, December 23, 2017*

Pension Credit for Prior Law

Enforcement Service

Senate Bill 979 (PN 1368), introduced by Senator Mike Regan, amends Title 53 (Municipalities Generally), by adding a new Subchapter to Chapter 91 on police pension plans that will authorize pension service credits to police officers for prior service with a police department.

Senate Bill 979 permits a full-time municipal or regional police officer who was previously employed by a different department as a part-time or full-time officer, for at least six months, to purchase or buy back the previous employment for pension benefit purposes. Municipalities are required to adopt an ordinance or pass a resolution authorizing the service credit. The maximum credit shall not exceed five years.

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

Location: *Received First Consideration before the Senate, December 12, 2017*

Tattoo, Body Piercing Safety Standards

House Bill 456 (PN 2771), introduced by Representative Anthony DeLuca, establishes the Tattoo, Body-Piercing and Corrective Cosmetic Artists Act.

The bill puts in place the following safety standards and oversight by the Department of Health:

All artists must:

- pass a health examination for infectious and contagious disease;
- meet other minimum health standards as developed by the Department;
- agree to not practice unlawful acts, such as tongue splitting, facial tattoos and injecting anesthetics;
- successfully complete a written examination regarding health, sanitization and sterilization standards; and
- become registered with the Department.

All facilities must:

- meet the tattoo, body-piercing and cosmetic establishment registration and facility requirements as developed by the Department;
- pass inspection by the Department;
- pay fees fixed by the Department by regulation;
- not practice unlawful acts as outlined in the bill;
- not perform services on a person under the age of 18 without parental consent; and
- comply with local ordinances concerning zoning and inspection issues.

The Department may suspend or revoke the registration of an artist or facility for failing to meet its requirements. Depending on the offense, more significant penalties such as fines and imprisonment may apply.

Physicians, surgeons and funeral directors are exempt in the performance of their professional duties.

If enacted, this legislation shall take effect in 180 days

Location: *Received First Consideration before the House, December 4, 2017*

Volunteer Fire Relief Funds – Use Expanded

House Bill 558 (PN 583), introduced by Representative Gary Day, amends Title 35 (Health and Safety) to authorize volunteer firefighter relief

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associations to use fund moneys to obtain commercial driver's licenses (CDL) for volunteer firefighters who operate fire and emergency vehicles registered to the department or municipality.

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

Location: Passed House; Senate Veterans Affairs and Emergency Preparedness Committee, December 1, 2017

Access to Privately Owned Cemeteries

House Bill 1019 (PN 2209), introduced by Representative Mark Gillen, amends Title 9 (Burial Grounds) to allow individuals to have reasonable access to burial grounds for visitation of a burial plot in a cemetery. Reasonable access shall be determined by the property owner as relates to dates, times and routes of ingress and egress. When a transfer of ownership of a cemetery property occurs, the new owner must honor all purchases of burial plots made prior to the transfer of ownership and allow for the interment of any individual that has purchased a plot prior to the transfer.

The Attorney General is responsible for the enforcement of these provisions.

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

Location: Signed in both chambers; last day for Governor's action, December 21, 2017

Public Employees Occupational Safety and Health Act

House Bill 1082 (PN 1588), introduced by Representative Patrick Harkins, creates the Public Employees Occupational Safety and Health Act to bring workplace safety and health standards for the Commonwealth's public employers and employees in line with those in the private sector. The legislation establishes a program similar to the Federal Occupational and Safety Health Act (OSHA) which does not apply to public-sector workers. Actually, with passage of this legislation, the State would be required to adopt all of the Federal OSHA standards.

Under this bill, the Secretary of Labor and Industry is tasked with the responsibility of promulgating

and enforcing state safety and health standards for public employers and employees and shall provide the following:

- regulations governing the conditions of employment;
- a method to encourage employees to minimize workplace hazards and to institute new or to improve existing programs that encourage healthy working conditions;
- appropriate reporting procedures;
- frequency, method and manner of making inspections;
- publication and dissemination of informational, educational and/or training materials; and
- establishment of new programs.

A five-member Pennsylvania Occupational Safety and Health Review Board is also established with the intent to hear and rule on appeals from compliance orders, notifications and penalties. Variances may be granted upon application, with certain criteria also being met.

The legislation provides for inspection and investigation powers (including issuing violations), record keeping, compliance orders and enforcement, creating one standard for all Pennsylvania public employers and employees. This bill was the subject of a Public Hearing held by the House Labor and Industry Committee on December 4, 2017.

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

Location: House Labor and Industry Committee, April 27, 2017

Clean Indoor Air Act

House Bill 1309 (PN 1649), introduced by Representative Matthew Baker, amends the Clean Indoor Air Act of 2008, by removing the state preemption on local action – allowing local governments to adopt ordinances that may be more stringent than the state law; expanding the definition of smoking to include vaping and e-cigarettes; and prohibiting smoking in the following places previously permitted under the law:

- private homes, residences and vehicles which are

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used at any time for child care or adult day-care services;

- designated quarters in lodging establishments;
- full-service truck stops
- tobacco shops
- workplace of a manufacturer of tobacco products
- private clubs
- cigar bars
- drinking establishments
- gaming floors; and
- designated outdoor areas at sports or recreational facilities, theaters or performance art centers.

The bill removes the enforcement provision which grants access to records of drinking establishments used to determine if the facility is qualified for the exemption. And, lastly, the bill allows for local ordinances to control. In addition, this bill was the subject of a press conference held on October 2, 2017.

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

Location: House Health Committee, May 5, 2017

Solicitation of Funds for Charitable Purposes Act

House Bill 1669 (PN 2431), introduced by Representative Anthony DeLuca, amends the Solicitation of Funds for Charitable Purposes Act by requiring a charitable organization to expend at least 65% of its gross revenue for the immediately prior fiscal year on goods or services. If a charitable organization fails to expend the minimum amount required, it must immediately cease all solicitation and notify the

Department of State, within 15 days, that it did not meet this requirement.

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

Location: House State Government Committee, September 18, 2017

Extraterritorial Jurisdiction – Police Powers

House Bill 1738 (PN 2335), introduced by Representative Ron Marsico, amends Title 42 (Judiciary and Judicial Procedure), to authorize, in addition to municipal police, other entities with policing powers, such as campus police, railroad police, the Capitol Police and airport police to enforce Commonwealth laws beyond their territorial boundaries when:

- in hot pursuit;
- requested for aid or assistance by another police power or police department;
- executing a court order; or
- while witnessing a crime in another jurisdiction on official business.

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

Location: Passed House; Senate Judiciary Committee, December 8, 2017

House and Senate Session Days:

Senate: January: 3, 23, 24, 25, 30, 31

House: January: 2 (NV), 22, 23, 24

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

November 28, 2017

Dear Friend of Pennsylvania Agriculture:

On behalf of Governor Tom Wolf, I would like to invite you to the 102nd Pennsylvania Farm Show and to join me for Public Officials Day on Wednesday, January 10, 2018.

As it has been in the past, this day will provide an opportunity for our public officials to network with industry members and other officials from local, state, and federal government. **The highlight of this day is the luncheon, beginning at 11:00 a.m., in the PA Preferred® Banquet Hall of the Pennsylvania Farm Show Complex and Expo Center.**

Devoted entirely to the celebration and promotion of agriculture, the Pennsylvania Farm Show is the largest indoor agricultural event in the United States, covering 24 acres under one roof. Over 500,000 visitors travel to Harrisburg each year to experience the Farm Show, where Pennsylvania farm families exhibit their top-quality livestock and farm products.

If you plan to attend the Public Officials Day Luncheon, please contact Stephanie Zarefoss at szarefoss@pa.gov by Friday, December 29 to make your reservation.

I look forward to seeing you at the 102nd Pennsylvania Farm Show.

Sincerely,

A handwritten signature in blue ink that reads "Russell C. Redding".

Russell C. Redding
Secretary

(Please note that while the lunch will be provided at no cost to attendees, guests will be responsible for paying for parking. Parking for all lots at Farm Show is \$15. For more information on parking, please visit www.farmshow.state.pa.us.)

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It's Not Too late to REGISTER for PML's Second Annual Capitol Conference:



Tuesday, January 23, 2018, at the Hilton, Harrisburg.

[Click here](#) for the agenda, and for hotel reservations and registration details, [click here](#).

Free Web-based Seminar from Penn State Extension Addressing the Spotted Lanternfly Threat

On December 12, Penn State Extension offered a free webinar on the invasive Spotted Lantern fly – a threat to Pennsylvania's trees and landscapes. If you missed the webinar, get it [archived here](#). The webinar covers the introduction of the Spotted Lanternfly, trees and landscapes under threat as well as management strategies.



LEGISLATIVE LOCATOR | NLC Update

NLC Statement on FCC Repeal of Net Neutrality Regulations

WASHINGTON — Following a vote by the Federal Communications Commission (FCC) to dismantle net neutrality regulations, the National League of Cities (NLC) President Mark Stodola, Mayor of Little Rock, Arkansas, released the following statement:

Today, the FCC took action to dismantle net neutrality and broadly preempt state and local authority to regulate broadband. Not only will today's order harm local broadband choice and preempt local consumer protection authority, it permits internet service providers to engage in anticompetitive behaviors like blocking, throttling and paid prioritization. The FCC has created an environment that will discourage, rather than spur, competition and good citizenship by internet service providers in local markets. We hope that future action on net neutrality will restore and enshrine the ability of cities to protect their residents and promote robust broadband competition in their communities while expanding broadband access in underserved communities.

Learn More:

- CitiesSpeak blog: [Three Reasons Why Net Neutrality Matters for Cities](#)
- [Letter from NLC and U.S. Conference of Mayors](#) to the FCC on the draft order "Restoring Internet Freedom" (WC Docket No. 17-108)



***Wishes Everyone A Peaceful & Happy
Holiday Season!***