

Pennsylvania Municipal League

2017 Resolutions



Please bring this book to the:

2017 Resolutions Committee Meeting

Friday, October 6, 2017
Bayfront Convention Center
11:00 a.m. – 12 noon

and the:

2017 Annual Business Meeting

Saturday, October 7, 2017
General Session Luncheon and Annual Business Meeting
Bayfront Convention Center
12:30 p.m. – 2:30 p.m.

2017 Resolutions Committee Meeting

Friday, October 6, 2017
Bayfront Convention Center

11:00 a.m. – 12 noon

Agenda

- I. Call to Order – C. Kim Bracey, Mayor, City of York, Chair
- II. Review Rules of Conduct – C. Kim Bracey, Mayor, City of York, Chair
- III. Roll Call
- IV. Consideration of Resolutions
- V. Adjourn

Pennsylvania Municipal League 2017 Resolutions Committee Meeting

Rules for the Conduct of Business

- The Resolutions Committee is chaired by PML's First Vice President, C. Kim Bracey, Mayor, City of York.
- Each member municipality of PML was given the opportunity to appoint a representative to be a Resolutions Committee member.
- Each Resolutions Committee member has a designated seat. Alternates may sit in the designated seating, if taking the place of a Committee member; otherwise they must sit with observers in the audience.
- Only Resolutions Committee members may make motions and vote.
- Only Resolutions Committee members and PML staff may be recognized to speak at the meeting.
- Resolutions will be voted as a group. If there is a motion to suspend voting on particular resolutions, they will be set aside and a vote will be taken on the remaining resolutions. Resolutions that were set aside will be considered one at a time in numerical order.
- Late resolutions presented in accordance with PML By-Laws will be considered after a vote has been taken on all other resolutions.
- A simple majority vote of those members of the Resolutions Committee present and voting will be required to take action.
- No proxy votes are allowed. If a member of the Committee is required to leave the meeting, the designated alternate may take the member's seat, be recognized to speak, make motions and vote.
- Resolutions considered by the 2017 Resolutions Committee will come from the following sources only:
 - Those advanced by action of the PML Board of Directors.
 - Those advanced by action of the six PML districts.
 - Those advanced by the PML Legislative Committee.
 - Those received by PML by the August 31, 2017, deadline for submitting resolutions.
 - Those received by PML by the late resolution process.

Pennsylvania Municipal League

By-Laws

Article VIII – Annual Convention

Section 5. Convention Committees

b. Resolutions Committee

The Resolutions Committee shall be appointed at least ninety (90) days prior to the convening of the Annual Convention. At least one (1) member of said committee shall be a municipal solicitor. The Resolutions Committee shall meet on the opening day of the convention to consider submitted resolutions. Resolutions shall be submitted for the Committee's consideration at the District Meetings or to the League office at least forty-five (45) days prior to the convening of the convention.

Resolutions so submitted shall be forwarded by the League under the signature of the Chair of the Resolutions Committee to each member municipality at least thirty (30) days prior to the convening of the convention.

The report of the Resolutions Committee shall be submitted to the convention at the time called for in the convention program. Resolutions which are favorably reported by the Resolutions Committee shall be adopted upon the approval of a majority of the appointed delegates present and voting. At the request of a sponsor of a resolution not favorably reported by the Resolutions Committee, such resolution, following a reading in full, and co-sponsored by seven (7) appointed delegates present and voting, shall be put to a vote and shall be adopted upon the approval of two-thirds (2/3) majority of the appointed delegates present and voting.

The rules and procedures governing adoption of resolutions may be temporarily suspended by a two-thirds (2/3) vote of consent of the delegates present and voting for the purpose of considering a resolution of extraordinary importance to League policy. Such resolutions shall be typewritten and be co-sponsored by ten (10) appointed delegates present and voting. Such resolutions shall be adopted by the affirmative vote of two-thirds (2/3) majority of the delegates present and voting.

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Resolution 1

Resolution #1-2017

Submitted by: PML Legislative Committee

Adoption of National League of Cities' 2017 Legislative Priorities

Whereas, Pennsylvania's municipalities are concerned with a wide range of issues on the federal level; and

Whereas, when appropriate, PML sets forth these issues in correspondence with the members of the Pennsylvania congressional delegation; and

Whereas, the era of federal devolution has pushed the responsibilities for funding and administration of many programs onto states and localities; and

Whereas, federal devolution and the federal budget process continue to result in fewer dollars available for municipal programs; and

Whereas, municipalities cannot continue to meet the growing fiscal and societal demands for services and programs without their federal partner; and

Whereas, PML as a State Municipal League member of the National League of Cities (NLC) takes its lead on federal issues from the NLC; and

Whereas, the National League of Cities, in its *2017 Legislative Priorities*, is asking Congress to work in partnership with local government to maximize support for programs vital to cities and towns across America.

Therefore, be it resolved: the Pennsylvania Municipal League reaffirms as its basic policy on federal issues the *2017 National Municipal Policy Statement* of the National League of Cities; and

Be it further resolved: the Pennsylvania Municipal League reaffirms as its 2017 federal agenda, the National League of Cities' *2017 Legislative Priorities* as adopted by the NLC Board of Directors in January 2017 and as follows:

Public Safety

Public safety is crucial to safe communities and a strong economy. Annually, local expenditures on law enforcement operations total more than \$64 billion. Investments made by local, state and federal partnerships have resulted in a significant reduction of violent crime in the last 25 years, but in many communities crime continues to be a barrier to safety, quality of life, and social cohesion. Trust between the police and public is key to ensuring healthy communities with stable local economies. To strengthen community efforts further, NLC supports:

- Expanded technical assistance programs within the Department of Justice that could assist hundreds of cities and towns in developing evidenced-based community policing programs that build trust, improve community relations, and reduce racial tensions and crime rates;
- Sufficient funding to support coordination and cooperation between federal, state and local law enforcement agencies; and
- Action to reduce the epidemic of gun violence that plagues our nation.

Infrastructure Investment

Infrastructure investment drives economic growth by supporting businesses and workers. Historically, federal infrastructure investment cultivated successful communities. Today, however, federal investment is lagging for both traditional and 21st century needs. Critical transportation and water infrastructure are in a state of disrepair and neglect; and information technology is still not readily available to all Americans.

Investments in our infrastructure will set the foundation for economic progress in the next century. To help modernize our nation's infrastructure, we ask Congress to:

- Act as a champion for tax-exempt municipal bonds, the primary financing mechanism for state and local infrastructure projects. Any policy to alter the tax-exempt status of these bonds will cost local governments billions of dollars and prevent many projects from going forward;
- Support adequate and reliable long-term funding for infrastructure reflecting local needs and priorities;
- Support a vibrant web of connected transportation options – from transit and air to railways, roads, and waterways – as a means to reduce congestion, protect the environment, and stimulate economic development; and
- Encourage and promote deployment of broadband networks in a competitive and technologically neutral manner, while preserving local authority to take action to ensure that residents have access to high-speed Internet and other communications services.

Economy

Municipalities create conditions that drive new business, spur innovation, and attract talent and investment. While economic conditions have improved since 2008, there are many economic indicators that are lagging, such as slow productivity, suppressed wages, unemployment, a shortage of affordable housing, and an increased need for food banks.

These disparities need to be resolved. All levels of government must work together to cultivate a 21st century workforce that is prepared to meet employer needs. The success of our communities is directly tied to the quality of our workforce.

The federal government also has a vital role to play in supporting the entrepreneurs and small businesses that make our local economies centers of innovation and economic reinvention. Entrepreneurs and small businesses not only create well-paying jobs, they deliver vital goods and services, generate sales tax revenue, and contribute to the unique character and livability of neighborhoods. To help strengthen the economy, we ask Congress to:

- Increase federal funding for workforce development and training programs that provide basic skills training and opportunities to upgrade skills to adjust to changing job market demands;
- Leverage federal resources to support universal pre-K, afterschool programs and other initiatives that ensure that all children and youth have an opportunity to graduate from high school prepared for post-secondary education or employment; and
- Support federal economic development tools such as New Markets Tax Credits and the Community Development Block Grant (CDBG) program, which allow communities to drive investment in struggling neighborhoods, attract and retain businesses, and grow jobs.

This resolution reflects the National League of Cities' 2017 Advocacy Priorities and adopts the 2017 National League of Cities' policy as contained in the 2017 National Municipal Policy Statement.



CITIES STRONG TOGETHER

2017 Federal Action Agenda

Public safety is crucial to building strong, safe communities and creating an economy that works for all residents. Cities and towns annually spend more than \$64 billion on law enforcement operations alone. A majority of these funds go to employing more than 600,000 law enforcement professionals on a full-time basis.

Taken together, investments by cities and the federal government have had a clear and measurable impact in making America's streets safer and our communities stronger. The partnership among local, state and federal governments has produced significant reductions not only in overall crime rates, but particularly in the rates of violent crime and property crime. Recent FBI statistics indicate that the national rate of violent crime today is roughly half of what it was in 1993, and it is continuing to decline.

While cities have made tremendous progress through adoption of community policing strategies for positive, proactive engagement with the public, there is much more to be done. Although crime is down nationally, in many cities across the country, crime continues to be a significant barrier to individual and family safety, quality of life, and social cohesion, particularly in racially diverse and disadvantaged neighborhoods.

A key to improving public safety and quality of life and ensuring stability for local economies is building trust between police and the public. With recent events across the nation showing the need for stronger police community relations, government must work together at all levels to bolster community oriented policing programs in cities. This will require a challenging mix of research, policy reform and political capital. In partnership with the federal government, cities are committed to evaluating police performance and taking all necessary steps to make our cities safer for all residents.

As recent events have demonstrated, good relations between police and the communities they serve are vital to a healthy city. Local leaders have played an essential role in bringing together police chiefs, frontline officers, civic leaders, stakeholders, nonprofits and associations to help develop effective policy to build trust between communities and law enforcement.

To strengthen city efforts to improve public safety, we ask the administration to:

- Expand technical assistance programs within the Department of Justice that could assist hundreds of cities and towns in developing evidenced-based community policing programs that build trust, improve community relations, and reduce racial tensions and crime rates;
- Provide sufficient funding to support coordination and cooperation between federal, state and local law enforcement agencies; and
- Take action to reduce the epidemic of gun violence that plagues our nation.

Infrastructure investment is essential to driving economic growth at all levels. Improvements in transportation, water and broadband draw new businesses and jobs to cities and their regions, while creating a better climate for current businesses to expand and add workers.

U.S. government policy plays a formative role in supporting the infrastructure that cultivates successful cities. History shows how forward thinking leadership on infrastructure at the federal level can pave the way for a strong economy. The Federal Highway Act of 1956 connected America's cities and towns and supported the growth and success of our regional and national economies. The Clean Water Act of 1972 and the Safe Drinking Water Act of 1974 restored America's waterways and ensured the availability of clean water — making America's cities more livable and more attractive for business.

But today, it appears we have forgotten about the essential role of infrastructure investment in supporting quality of life and robust economic growth. Critical infrastructure across the nation is in a state of neglect and disrepair. 32 percent of America's major roads are rated as being in poor or mediocre condition, and that number is only expected to grow as we continue to under invest by nearly half of what is needed to keep our roads in a state of good repair. Likewise, much of our water infrastructure was built in the post-World War II period and is in need of critical updates - an estimated 240,000 water main breaks happen each year in our country.

Furthermore, we must reexamine how federal infrastructure dollars are supporting 21st century economic trends. Since 1992, roughly 80 percent of all federal transportation funding has been reserved for the highway system, at the expense of alternative modes. In 2014, rush-hour commuters spent an estimated 6.9 billion hours in traffic, up from 6.4 billion in 2010, at significant cost to the nation. In addition, at a time in our economic history where access to information is paramount to opportunity and prosperity, our nation's broadband system is failing many communities across the country. Around 15 percent of U.S. households—or approximately 47 million Americans do not have Internet in their homes.

Adding to these problems is the impact of extreme weather events. Heat waves, droughts, heavy downpours, floods, and hurricanes are straining existing infrastructure and introducing new challenges.

The investments our federal leaders make to strengthen and modernize our nation's infrastructure will set the foundation for the next century of economic progress. To preserve our economic leadership in the world, the next president must make a priority addressing the woeful state of U.S. infrastructure and make the investments needed to support continued — and accelerated — growth in cities and throughout the country.

Cities are the engine of our nation's **economy**. From roads and transit to parks and libraries, to law enforcement and emergency services, cities create the conditions that drive new business, spur innovation, and attract talent and investment.

Six years after the Great Recession, the nation's economy has turned a corner in many respects. According to NLC's 2015 survey of local economic conditions, the economy is improving in nearly all cities, with 28 percent of cities reporting vast improvement, and 65 percent reporting at least slight improvement.

While job growth, increasing residential property values, and improved retail sector health stabilize local economies, these rising tides have failed to lift all boats. The state of our economy today is a tale of two cities. We see an economy that continues to outpace the rest of the world in innovation, but also one that is weighed down by slow productivity growth, suppressed wages and stubborn unemployment.

The recovery of the housing market in many cities is a double-edged sword. Rising home prices are helping to replenish local tax bases, but at the same time exacerbating the affordable housing crisis. According to the NLC 2015 survey, the median income of residents has increased in 53 percent of cities, but demand for survival services, such as food banks and homeless shelters, also has risen.

Cities work best when the economy works for everyone. A critical task facing the next president will be resolving these disparities. To start, all levels of government must work together to cultivate a skilled workforce to meet 21st century employer needs. The economic competitiveness and long-term success of our cities are directly tied to the quality and skills of the workforce.

The federal government also has a vital role to play in supporting the entrepreneurs and small businesses that make our local economies centers of innovation and economic reinvention. Entrepreneurs and small businesses not only create well-paying jobs, they deliver vital goods and services, generate sales tax revenue, and contribute to the unique character and livability of city neighborhoods.

Local leaders are in a unique position to support solutions to our nation's complex economic challenges. Cities stand ready to work with the next president to do what cities do best: create environments that support workers, grow businesses, and strengthen local, state and national economies.

To help cities strengthen the economy, we ask the administration to:

- Increase federal funding for workforce development and training programs that provide basic skills training and opportunities to upgrade skills to adjust to changing job market demands;
- Leverage federal resources to support universal pre-K, afterschool programs and other initiatives that ensure that all children and youth have an opportunity to graduate from high school prepared for post-secondary education or employment; and
- Support federal economic development tools such as New Markets Tax Credits and the Community Development Block Grant (CDBG) program, which allow cities to drive investment in struggling neighborhoods, attract and retain businesses, and grow jobs.

Resolution 2

Resolution #2-2017

Submitted by: PML Legislative Committee

State Legislative Priorities

Whereas, the Pennsylvania Municipal League establishes and/or affirms legislative priorities at each Annual Summit; and

Whereas, these legislative issues and other concerns continue to gain the attention and interest of municipal officials; and

Whereas, the Commonwealth's urban municipalities continue to seek remedies for fiscal distress; and

Whereas, the Commonwealth's urban municipalities struggle to maintain and preserve local autonomy to meet the needs of the local citizenry.

Therefore, be it resolved: the Pennsylvania Municipal League affirms as its legislative policy the objectives outlined in the *2017 Policy Statement*; and

Be it further resolved: the Pennsylvania Municipal League sets forth the following legislative platform:

Reform of Collective Bargaining and Municipal Public Safety Pensions

PML has partnered with the business community as a founding member of the Coalition for Sustainable Communities (CSC). The CSC's current priorities are collective bargaining and municipal pension reform.

Collective Bargaining

Act 111 of 1968, the Police and Fireman Collective Bargaining Act, has not been updated in 48 years. Since the late 1960's, the standards of public safety employee pay and benefits have increased significantly. The General Assembly must make reasonable amendments to Act 111 to reset the standards and level the playing field to meet today's fiscal realities. PML, through its work with the CSC, supports the following amendments:

- remove pensions and post-retirement health care from bargaining;
- require arbitration awards to reflect findings of fact and the record of evidence;
- expand the scope of a court's review to current case law and the absence of an award reflecting the findings of fact;
- expand the arbitration strike list provided by the AAA and reverse the sequence of striking;
- require the costs of the neutral arbitrator to be shared equally by both parties; and
- require the Act 111 evidentiary hearings be open to the public.

Municipal Public Safety Pensions

Public safety pensions must be reformed prospectively and provide a level of sustainability and predictability. The cost of municipal pension benefits is one of the most pressing financial challenges facing local government today and far into the future. The CSC supports a “cash balance” pension proposal which reduces employer pension costs over time and has the potential to provide a stream of revenue devoted to paying the unfunded liability of current pension plans. Alternatively, the CSC supports a straight defined contribution plan for new hires.

Tax-Exempt Entities

Municipalities across the Commonwealth host a multitude of non-profit, tax-exempt entities. Tax-exempt entities, while representing important community services such as hospitals, universities and government, do not contribute to the tax base of the communities in which they are located. In core communities, the sheer number of tax-exempt entities tips the balance of revenue generation off-center; and the taxable entities, citizens and businesses pay an inequitable share of the property taxes that provide essential services to the entire base.

PML urges the General Assembly to address the burden of tax-exempt entities by:

- requiring regular reassessment and providing tools to assist in this effort, such as low interest loans and assessment technology;
- exploring the concept of tax-exempt property assessment based on the amount of payroll paid, rather than property value; and
- authorizing local governments to assess service fees on all property owners, including tax exempts, to pay for specific services such as street cleaning, sidewalk cleaning, snow plowing, and street lighting.

Tax-Exempt Designation

Considering the fiscal impact of numerous tax-exempt entities, PML supports a high threshold to earn the designation of tax-exempt. PML opposes legislation seeking a Constitutional amendment to allow the General Assembly to determine the criteria for meeting the definition of a purely public charity because it will utilize a less stringent definition and more entities will be considered tax-exempt. This designation has a direct impact on the taxpayer and business owner who foots the bill for municipal services utilized by all.

Local Tax Reform

Local governments must get relief from the archaic, regressive taxing structure established for them by the Commonwealth over forty-five years ago. Municipalities have very little choice in how they generate revenue to pay for services. The Property Tax and Earned Income Tax are historically the chief sources of local revenue. Without other options, municipalities are forced to place a high burden on their taxable entities or cut services. An elastic taxing structure with local or regional flexibility would relieve some of the burden brought about by declining tax bases and increased service costs.

PML believes there must be more taxing options available locally to pay for services. Local government officials accept the responsibility for levying new taxes, but authorization is needed from the General Assembly in order to move forward.

PML supports the following local taxing alternatives:

- An increase of the Local Services Tax levy to \$156 per year.
- A Payroll Tax instead of the Business Privilege Tax.
- A County Option 1% Local Sales Tax distributed on a formula basis to each county that levies the tax and its municipalities.
- A statewide 6% alcoholic beverage tax.
- A Sugared Drink Tax tied to local health, wellness and recreational programs.
- A special purpose tax for police services.

Urban Revitalization

The Commonwealth must invest in its core, urban communities. Without the stability of single family homes, urban centers will always be at a disadvantage in creating livable communities. Job creation, public money to leverage private investment, venture capital, business tax credits and low-interest loan financing are key economic development tools that urban municipalities must continue to be able to access.

Investment in Public Education

Investment in education is important to the entire Commonwealth, but especially to our older urban communities. Substandard schools are the number one reason young professionals with school age children leave our urban communities for the suburbs. Being able to offer a quality education in a safe setting is vital to rebuilding urban neighborhoods. PML supports access to high quality, publically funded pre-K for all three and four year olds. PML also supports the use of a full and fair funding formula for the Commonwealth's public schools.

This resolution sets forth the primary goals and objectives for the League's legislative program for 2018. Resolutions adopted at the 118th Annual Summit will be incorporated into the 2018 Policy Statement and, as appropriate, the League's 2018 Legislative Priorities will be modified.



Pennsylvania Municipal League 2017 Legislative Priorities

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Please contact Amy Sturges, Director of Governmental Affairs, at (717) 236-9469 x225 or asturges@pml.org with questions and/or comments.

Resolution 3

Resolution #3-2017

Submitted by: PML Legislative Committee

Commitment to Equity, Fairness, Inclusion and Justice

Whereas, the Pennsylvania Municipal League supports the values of equity, fairness, inclusion and justice; and

Whereas, we recognize the rights of individuals to live their lives with dignity and free from discrimination of any kind; and

Whereas, municipal officials play a significant leadership role in their communities; and

Whereas, the National League of Cities' Racial Equity and Leadership initiative is working to provide leadership support and training to local officials in Pennsylvania and across the nation; and

Whereas, the PA Municipal League supports local officials in their endeavors to advance the principles of equity, fairness, inclusion and justice; and

Whereas, a successful and demonstrated commitment to social inclusion fosters health, safety and prosperity for all.

Therefore, be it resolved: the Pennsylvania Municipal League is committed to the values of equity, fairness, inclusion and justice and will continue to be an advocate and conduit for local leadership aimed at advancing these values.

This resolution affirms PML's commitment to the values of equity and inclusion.

Resolution 4

Resolution #4-2017

Submitted by: PML Legislative Committee

Growing Greener III

Whereas, through the success of Growing Greener I and II, over \$1.9 billion has been invested in environmental projects across the Commonwealth since 2002; and

Whereas, eligible project categories have been broad addressing many areas such as, farmland preservation, state park renovations, water and sewer upgrades, watershed protection, abandoned mine reclamation, abandoned oil and gas well plugging, river and stream clean-up, industrial site clean-up, preservation of open space, community revitalization projects, and state park and local recreation enhancements; and

Whereas, Growing Greener II was authorized through 2012; and

Whereas, Growing Greener funds are at an all-time low; and

Whereas, the Growing Greener Coalition has identified over \$315 million in annual needs to build upon the conservation and preservation efforts begun under Growing Greener I and II; and

Whereas, Senate Bill 705 of 2017 has been introduced with significant bi-partisan support authorizing Growing Greener III; and

Whereas, Growing Greener III addresses environmental priorities in the following areas: conserving land and water resources, restoring damaged waterways and land, and creating prosperous and sustainable communities; and

Whereas, Growing Greener III offers many programs and funding opportunities, including many that will directly benefit the PML membership, such as: land use and economic development tools, tourism support, MS4 management, community park upgrades, development of urban parks and riverfronts, historic preservation and green community development projects; and

Whereas, Senate Bill 705 does not yet identify a funding source to support an annual investment of \$315 million.

Therefore, be it resolved: the Pennsylvania Municipal League supports Senate Bill 705, as well as a funding mechanism to implement the Growing Greener III proposal.

This resolution supports Growing Greener III and a funding mechanism that will meet the contemplated investment needs of the program.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 705 Session of 2017

INTRODUCED BY KILLION, ALLOWAY, McILHINNEY, ARGALL, BAKER, BARTOLOTTA, BLAKE, BOSCOLA, BREWSTER, COSTA, DINNIMAN, FONTANA, GORDNER, GREENLEAF, HAYWOOD, LANGERHOLC, McGARRIGLE, MENSCH, RAFFERTY, RESCHENTHALER, SABATINA, SCHWANK, STEFANO, VULAKOVICH, WARD, WHITE AND YUDICHAK, MAY 24, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 24, 2017

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, in environmental stewardship and
3 watershed protection, further providing for legislative
4 findings, for the Environmental Stewardship Fund, for
5 agencies and for Commonwealth indebtedness and establishing
6 duties for the Department of Community and Economic
7 Development, the Pennsylvania Fish and Boat Commission, the
8 Pennsylvania Game Commission and the Pennsylvania Historical
9 and Museum Commission.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 6102 of Title 27 of the Pennsylvania
13 Consolidated Statutes is amended to read:

14 § 6102. Legislative findings.

15 The General Assembly hereby determines, declares and finds as
16 follows:

17 [(1) Ninety-six percent of the water-quality-impaired
18 watersheds in this Commonwealth are polluted because of
19 nonpoint sources of pollution such as past mining activities,
20 urban and agricultural runoff, atmospheric deposition, on-lot

1 sewage systems and earthmoving.

2 (2) The Commonwealth continues to have unmet needs in
3 the area of water and sewer infrastructure. New and improved
4 water sources, treatment and distribution systems are
5 necessary for public drinking water supplies.

6 (3) The Commonwealth owns approximately 2.4 million
7 acres of State park and State forest lands and many of these
8 lands suffer from past environmental problems, including
9 unreclaimed mines, acid mine drainage and abandoned oil and
10 gas wells.

11 (4) Open space, greenways, recreational trails, river
12 corridors, fish and wildlife habitats, parks and recreation
13 areas and scenic environments protect the environment,
14 conserve natural resources and add value to communities.

15 (5) State programs and State funding should provide
16 maximum flexibility for elected county and municipal
17 governmental officials to identify, prioritize and address
18 local environmental concerns, including odor abatement
19 problems at sewage treatment plants.]

20 (1) As stated in section 27 of Article I of the
21 Constitution of Pennsylvania:

22 The people have a right to clean air, pure water, and to
23 the preservation of the natural, scenic, historic and
24 esthetic values of the environment. Pennsylvania's public
25 natural resources are the common property of all the
26 people, including generations yet to come. As trustee of
27 these resources, the Commonwealth shall conserve and
28 maintain them for the benefit of all the people.

29 (2) The Commonwealth has an obligation to provide
30 greater investments to conserve land and water resources,

1 restore damaged waterways and land, and create prosperous and
2 sustainable communities.

3 (3) Clean water is vital:

4 (i) to the continued economic growth of this
5 Commonwealth;

6 (ii) to support tourism, agriculture, industry,
7 power generation and recreation;

8 (iii) for drinking water supplies; and

9 (iv) to protect public health and aquatic life.

10 (4) This Commonwealth has over 19,000 miles of streams
11 and rivers that do not meet Federal and State water quality
12 standards to protect aquatic life and provide swimmable
13 rivers and drinkable water supplies.

14 (5) Nonpoint sources of pollution continue to have a
15 negative impact on this Commonwealth's environment.

16 (6) This Commonwealth continues to have water and sewer
17 infrastructure needs. New and improved water sources,
18 treatment and distribution systems are necessary for public
19 drinking water supplies.

20 (7) As noted in the Commonwealth's award-winning 2014-
21 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
22 Plan, our 5,600 local parks and recreation areas are the most
23 frequently visited recreational assets in this Commonwealth,
24 and most need additional funding to address aging
25 infrastructure, deferred maintenance and capacity to carry
26 out programs and services.

27 (8) The Commonwealth owns approximately 2.5 million
28 acres of State park and State forest lands. Our State park
29 system has estimated many of these parks have environmental
30 projects and infrastructure and deferred maintenance needs,

1 such as dams, roads, bridges, water and wastewater treatment
2 facilities, buildings and boat launches.

3 (9) Conservation of public and private forest lands is a
4 cost-effective method for protecting water quality. Forest
5 lands function as a reserve of clean water for this
6 Commonwealth, including municipalities that rely on public
7 water supplies drawn from water resources on public and
8 private forested properties. Forest lands act as groundwater
9 recharge areas, protect surface water quality, reduce soil
10 erosion, enhance fish and wildlife habitats and provide
11 opportunities for fishing, boating, hunting and trapping.

12 (10) Abandoned mines remain across 189,000 acres in 43
13 counties and are the cause of more than 5,500 miles of
14 biologically compromised streams.

15 (11) More than 2,000 working farms remain on county
16 waiting lists to be preserved for continued agricultural use.

17 (12) Open space, greenways, recreational trails, river
18 corridors, fish and wildlife habitats, parks and recreation
19 areas and scenic areas protect the environment, conserve
20 natural resources and add quality of life value that attracts
21 jobs, are essential to Pennsylvania's outdoor recreation and
22 tourism industries and improve public health.

23 (13) Investments in urban parks, trails, greenways,
24 riverfronts, green infrastructure and other natural assets
25 are increasingly understood to be advantageous to local
26 economies, attracting and retaining residents and providing
27 opportunities to creatively address significant challenges
28 such as storm water and flooding.

29 (14) State programs and State funding should provide
30 opportunity and flexibility for elected county and municipal

1 government officials and authorized organizations to
2 identify, prioritize and address local environmental
3 concerns.

4 Section 2. Section 6104(d)(6) of Title 27 is amended and the
5 subsection is amended by adding a paragraph to read:

6 § 6104. Fund.

7 * * *

8 (d) Allocation.--The money appropriated in subsection (c)
9 shall be allocated annually as follows:

10 * * *

11 (6) For fiscal [year 2007-2008 and each year thereafter]
12 years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012,
13 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017,
14 moneys in the fund shall be allocated in accordance with
15 paragraph (2).

16 (7) For fiscal year 2017-2018 and each year thereafter,
17 moneys in the fund shall be allocated as follows:

18 (i) Twenty-eight and nine-tenths percent to the
19 Department of Conservation and Natural Resources, which
20 shall use the allocation as follows:

21 (A) At least 50% for grants for projects of
22 which the recipient is a county or other
23 municipality, council of governments, conservation
24 district or authorized organization.

25 (B) At least 10% for land trust projects.

26 (C) At least 4.5% for the Heritage Areas
27 Program.

28 (D) For fiscal years 2017-2018, 2018-2019, 2019-
29 2020, 2020-2021, 2021-2022 and 2022-2023, at least
30 30% for projects and programs located within the

1 watershed of the Susquehanna River and its
2 tributaries.

3 (ii) Thirty-eight and two-tenths percent to the
4 Department of Environmental Protection, which, for fiscal
5 years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-
6 2022 and 2022-2023, shall use at least 40% of its funds
7 for projects and programs within the watershed of the
8 Susquehanna River and its tributaries.

9 (iii) Nineteen and seven-tenths percent to the
10 Department of Agriculture, which shall use the allocation
11 as follows:

12 (A) At least 12% for grants to authorized
13 organizations to preserve farmland.

14 (B) For fiscal years 2017-2018, 2018-2019, 2019-
15 2020, 2020-2021, 2021-2022 and 2022-2023, at least
16 40% for projects and programs located within the
17 watershed of the Susquehanna River and its
18 tributaries.

19 (iv) Four and six-tenths percent to the authority,
20 which, for fiscal years 2017-2018, 2018-2019, 2019-2020,
21 2020-2021, 2021-2022 and 2022-2023, shall use at least
22 40% of its funds for projects and programs located within
23 the watershed of the Susquehanna River and its
24 tributaries.

25 (v) Three and six-tenths percent to the Department
26 of Community and Economic Development.

27 (vi) Two and six-tenths percent to the Pennsylvania
28 Fish and Boat Commission.

29 (vii) One and three-tenths percent to the
30 Pennsylvania Game Commission.

1 (viii) One and one-tenth percent to the Pennsylvania
2 Historical and Museum Commission.

3 * * *

4 Section 3. Sections 6105 and 6115(d)(4) of Title 27 are
5 amended to read:

6 § 6105. Agencies.

7 (a) The Department of Conservation and Natural Resources.--

8 (1) The Department of Conservation and Natural Resources
9 shall utilize money it receives from the fund for the
10 following purposes:

11 (i) To rehabilitate, repair and develop State park
12 and State forest lands and facilities and the acquisition
13 of [interior] lands [within] for State parks and State
14 forests.

15 (ii) To provide grants to a county or other
16 municipality, council of governments, conservation
17 districts and authorized organizations for the purpose of
18 planning, education, acquisition, development,
19 rehabilitation and repair of greenways, recreational
20 trails, including connections between trails, open space,
21 natural areas, river corridors and access to riverfronts,
22 watersheds, community [and heritage] parks and recreation
23 facilities; community conservation and beautification
24 projects; forest conservation[;], including conservation
25 of forested riparian buffers; heritage areas; and other
26 conservation and recreation purposes. Grants under this
27 paragraph may not be used by an authorized organization
28 for land acquisition unless the authorized organization
29 obtains the approval of all counties in which the land is
30 situated. Grant moneys may also be used for the

1 acquisition of farmland for the purposes set forth in
2 this paragraph.

3 (iii) To provide grants to a county or other
4 municipality and authorized organizations for the purpose
5 of research, planning, inventories and technical
6 assistance intended to protect and conserve the
7 biological diversity of this Commonwealth.

8 (iv) To support forest conservation easements,
9 including funding for a working forest conservation
10 easement initiative to preserve the availability of
11 privately owned forest land for sustainable, commercial
12 timbering and other forest-dependent economic uses.

13 (v) To provide funding to the Wild Resource
14 Conservation Fund for the conservation of nongame
15 wildlife and native wild flora and their habitats, to
16 conduct and support research to preserve this
17 Commonwealth's biodiversity and to educate the public on
18 the value of conserving these species and their habitats.

19 (vi) To provide funding for the Heritage Areas
20 Program established under Article XVI-J of the act of
21 April 9, 1929 (P.L.343, No.176), known as The Fiscal
22 Code.

23 (2) The Department of Conservation and Natural Resources
24 may require matching funds as a condition of the award of a
25 grant under this subsection.

26 (b) The Department of Environmental Protection.--

27 (1) The Department of Environmental Protection shall
28 utilize money it receives from the fund for the following
29 purposes:

30 (i) To implement acid mine drainage abatement and

1 cleanup efforts and abandoned mine land cleanup efforts
2 and plug abandoned and orphan oil and gas wells.

3 (ii) To provide funding for technical assistance and
4 financial incentives to facilitate remining.

5 (iii) To provide grants to a county or other
6 municipality, council of governments, county conservation
7 districts, watershed organizations and other authorized
8 organizations for acid mine drainage abatement and
9 cleanup, mine and mine land cleanup efforts and well
10 plugging.

11 (iv) To provide grants and technical assistance to a
12 county or other municipality, council of governments,
13 county conservation districts, watershed organizations
14 and other authorized organizations to plan and implement
15 local watershed-based conservation efforts.

16 (v) To improve water-quality-impaired watersheds,
17 including those polluted by past mining activities,
18 agricultural and urban runoff, atmospheric deposition,
19 on-lot sewage systems and earthmoving activities.

20 (vii) For watershed protection.

21 (viii) For the reduction of nonpoint source
22 pollution and protection of local drinking water supplies
23 through grants to watershed organizations and other
24 authorized organizations, the creation of forested and
25 other vegetative stream buffers and watershed restoration
26 efforts, including, but not limited to, reducing runoff
27 from agriculture, construction, waste disposal and
28 abandoned mine and mine land sites.

29 (ix) For grants to characterize, remediate or
30 eliminate environmental hazards at abandoned industrial

1 properties or brownfields and to promote economic
2 development by facilitating the return of these
3 properties to productive use.

4 (x) For nonstructural floodplain management and
5 mitigation measures to minimize flood damage, reclaim and
6 restore the quality of floodplains, remove obstacles and
7 improve the natural functions of stream channels.

8 (xi) For grants to municipalities and municipal
9 authorities to design and build projects and implement
10 best management practices, with an emphasis on green
11 infrastructure, in order to implement Municipal Separate
12 Storm Sewer System (MS4) plans or which count toward the
13 reductions identified in the Pennsylvania Integrated
14 Water Quality Monitoring and Assessment Report, implement
15 Total Maximum Daily Load Plans or the Chesapeake Bay
16 Total Maximum Daily Load requirements.

17 (xii) For the Pennsylvania Energy Harvest Program
18 for the purpose of providing grants to farms and small
19 businesses for renewable energy systems, including, but
20 not limited to, those using solar, wind and methane
21 digester technologies.

22 (xiii) For funding to participating county
23 conservation districts to assist the owners of farms and
24 other properties in protecting local water quality and
25 improving the soil, water and air through the
26 installation and maintenance of best maintenance
27 practices.

28 (2) County conservation districts may further distribute
29 grants received under this section to watershed organizations
30 and other authorized organizations to assist in the

1 implementation of this chapter.

2 (3) The Department of Environmental Protection may
3 require matching funds as a condition of the award of a grant
4 under this subsection.

5 (4) For the period commencing with the effective date of
6 this chapter and ending June 30, 2004, the Department of
7 Environmental Protection may utilize up to 10% of the money
8 allocated annually to it under section 6104(d) (relating to
9 fund) to provide grants for safe drinking water projects and
10 wastewater treatment projects. Grants under this paragraph
11 shall be made for the same purposes and shall be subject to
12 the same limitations as grants authorized in section 6110.

13 (c) Department of Agriculture.--Funds allocated to the
14 Department of Agriculture under this chapter shall be [deposited
15 in the] used for the following purposes:

16 (1) For counties to preserve farmland through the
17 Agricultural Conservation Easement Purchase Fund [and are]
18 subject to the provisions of the act of June 30, 1981
19 (P.L.128, No.43), known as the Agricultural Area Security
20 Law.

21 (2) For grants to authorized organizations to preserve
22 farmland through the acquisition of conservation easements
23 conforming with section 170(h) of the Internal Revenue Code
24 of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)).

25 (3) For disbursement to the State Conservation
26 Commission for the cost of tax credits for eligible
27 agricultural operations that implement the best management
28 practices and meet the requirements of the Resource
29 Enhancement and Protection Tax Credit under Article XVII-E of
30 the act of March 4, 1971 (P.L.6, No.2), known as the Tax

1 Reform Code of 1971.

2 (4) To provide funding and technical assistance, in
3 cooperation with the State Conservation Commission, to assist
4 the owners of farms and other properties in protecting local
5 water quality and in improving the quality of the soil, water
6 and air through the installation and maintenance of best
7 management practices. Fifty percent of the funding
8 distributed under this paragraph shall be provided to
9 participating county conservation districts.

10 (5) To encourage new farmers and assure the viability of
11 preserved farms by creating financial incentives and
12 enhancing access to farmland and capital through a low-
13 interest loan program administered by the Department of
14 Agriculture.

15 (d) The authority.--The authority shall utilize money it
16 receives from the fund to provide financial assistance in the
17 form of grants and matching grants for storm water, water and
18 sewer infrastructure projects, including construction or
19 rehabilitation of collection and conveyance systems. The
20 authority shall develop criteria to be used to award grants
21 under this subsection. The criteria and proposed changes thereto
22 shall be submitted to the Environmental Resources and Energy
23 Committee of the Senate and the Environmental Resources and
24 Energy Committee of the House of Representatives for review and
25 comment. The committees shall have 60 days to submit comments to
26 the authority. Criteria shall be reviewed by the authority and
27 the committees at least once every three years.

28 (d.1) Department of Community and Economic Development.--

29 (1) The Department of Community and Economic Development
30 shall utilize money it receives from the fund for the

1 following purposes:

2 (i) For grants to fund grassroots community and
3 regional planning efforts that support wise land use
4 decisions by balancing development needs with
5 conservation, recreation and preservation needs.

6 (ii) For grants to support the greening of urban
7 communities, including, but not limited to, bicycle and
8 pedestrian trails, greenways, downtown parks, community
9 gardens, retrofits of significant community buildings for
10 energy efficiency and reuse, streetscape improvements and
11 renewable energy projects. The grants shall have a
12 demonstrable environmental or conservation benefit. The
13 Department of Community and Economic Development shall
14 consult with the Department of Environmental Protection
15 and the Department of Conservation and Natural Resources
16 on recommendations of projects to be funded.

17 (iii) For the Elm Street Program created by the act
18 of February 9, 2004 (P.L.61, No.7), known as the Elm
19 Street Program Act.

20 (iv) For the Main Street Program created by the act
21 of April 23, 2002 (P.L.298, No.39), known as the Main
22 Street Act.

23 (2) The Department of Community and Economic Development
24 may require matching funds as a condition of the award of a
25 grant under this subsection.

26 (d.2) Pennsylvania Fish and Boat Commission.--Funds
27 allocated to the Pennsylvania Fish and Boat Commission under
28 this chapter shall be used for the following purposes:

29 (1) For improvements to public access areas owned by the
30 commission or grants to municipalities or organizations for

1 the purpose of improving public access to the waters of this
2 Commonwealth.

3 (2) For maintenance and rehabilitation of dams located
4 at lakes owned by the commission, including the installation
5 of habitat enhancements and improved public access.

6 (3) For upgrades and improvements to State fish
7 hatcheries to maintain and improve water quality and reduce
8 operating costs.

9 (4) For grants to organizations that participate in the
10 Cooperative Nursery Program.

11 (5) For projects to improve fish and aquatic habitat,
12 including, but not limited to, instream fish habitat,
13 riparian buffers, fish passages and the removal of small
14 dams.

15 (d.3) Pennsylvania Game Commission.--Funds allocated to the
16 Pennsylvania Game Commission under this chapter shall be used
17 for the following purposes:

18 (1) To rehabilitate water control structures on State
19 game lands in order to improve wetland habitat for water fowl
20 and other wildlife and to improve water quality.

21 (2) For improvements to facilities on State game lands,
22 including, but not limited to, improved road access, enhanced
23 access for persons with disabilities and older persons and
24 the construction of two wildlife conservation education
25 centers.

26 (d.4) Pennsylvania Historical and Museum Commission.--Funds
27 allocated to the Pennsylvania Historical and Museum Commission
28 under this chapter shall be used for a historic preservation
29 project grant program for the planning and development of
30 publicly accessible historic resources listed in or eligible for

1 listing in the National Register of Historic Places. The grants
2 shall support projects that identify, preserve, promote and
3 protect historic and archaeological resources of this
4 Commonwealth for both the benefit of the public and the
5 revitalization of communities.

6 (e) Administrative expense limitation.--The departments,
7 commissions and the authority may not expend more than [2.5%] 5%
8 of the moneys received from the fund on administrative expenses.
9 The Department of Environmental Protection may not expend more
10 than an aggregate of 2.5% of the moneys received from the fund
11 and the moneys directed to the Hazardous Sites Cleanup Fund
12 pursuant to section 6104(d)(4) and (5) on administrative
13 expenses. Grant recipients that receive moneys from the fund for
14 the purposes set forth in this section may not expend more than
15 [5%] 7.5% of the moneys received from the fund on administrative
16 expenses.

17 (f) Expenditure limitation.--No moneys made available
18 through the fund shall be used for any purpose which, directly
19 or indirectly, precludes access to or use of any forested land
20 for the practice of sustainable forestry and commercial
21 production of timber or other forest products. This subsection
22 shall not apply to funds used [by the Department of Conservation
23 and Natural Resources, counties or municipalities] for the
24 purchase or improvement of park land to be used for public
25 recreation.

26 (g) Regulations.--The departments, commissions and the
27 authority may promulgate regulations necessary to carry out the
28 purposes of this chapter.

29 § 6115. Commonwealth indebtedness.

30 * * *

1 (d) Debt retirement.--

2 * * *

3 (4) The Secretary of the Budget, upon approval by the
4 Governor, shall utilize up to \$60,000,000 of the moneys in
5 the fund on an annual basis for payment of principle and
6 interest for debt service on bonds issued pursuant to this
7 section and any other debt incurred by the Commonwealth for
8 projects eligible for funding under this chapter. The
9 authority of the Secretary of the Budget under this paragraph
10 shall expire June 30, 2018.

11 * * *

12 Section 4. This act shall be known and may be cited as the
13 Growing Greener III Act.

14 Section 5. This act shall take effect in 60 days.

Resolution 5

Resolution #5-2017

Submitted by: PML Legislative Committee

Consolidated Collection of the Business Privilege Tax

Whereas, the Business Privilege Tax (also referred to as a Business Gross Receipts Tax) is levied locally under the authority of Act 511, The Local Tax Enabling Act; and

Whereas, only 10% of municipalities levy the Business Privilege Tax (BPT) because new levies were prohibited by the Local Tax Reform Act of 1989; and

Whereas, the levy of a BPT is fact-specific to each locality's ordinance; and

Whereas, BPT collection differs from the Earned Income Tax (also authorized by Act 511) in that it is self-reported, paid annually, and verified by federal and state tax documentation and labor intensive follow-up; and

Whereas, collection of the Earned Income Tax involves employer withholdings from employee paychecks and further remittance to the appropriate home jurisdiction; and

Whereas, Act 32 of 2008 consolidated collection of the Earned Income Tax into countywide collection agencies to streamline collection and remittance to the proper jurisdiction; and

Whereas, the success of Act 32 has led to proposals, such as Senate Bill 653 of 2017, to collect the other Act 511 taxes via the same consolidated countywide system; and

Whereas, most municipalities that levy the BPT are happy with their current collection practices and have concerns that consolidation will result in a loss of local control and perhaps a loss in this important revenue stream.

Therefore, be it resolved: the Pennsylvania Municipal League opposes mandated consolidation of the BPT under Act 32 of 2008.

Be it further resolved: the Pennsylvania Municipal League supports a local option for those municipalities levying a BPT to decide to continue current collection practices or move to consolidated collection with their Earned Income Tax collection agency.

This resolution opposes mandated consolidated collection of the Business Privilege Tax under Act 32 and supports the local option to consolidate collection if a municipality so desires.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 653 Session of
2017

INTRODUCED BY BROWNE, BOSCOLA, FOLMER, MENSCH, MCGARRIGLE,
BARTOLOTTA, SCAVELLO, REGAN, EICHELBERGER, YUDICHAK,
BREWSTER, WILLIAMS, LAUGHLIN, MARTIN, WAGNER AND SCHWANK,
MAY 24, 2017

SENATOR WAGNER, LOCAL GOVERNMENT, AS AMENDED, JUNE 13, 2017

AN ACT

1 Amending the act of December 31, 1965 (P.L.1257, No.511),
2 entitled "An act empowering cities of the second class,
3 cities of the second class A, cities of the third class,
4 boroughs, towns, townships of the first class, townships of
5 the second class, school districts of the second class,
6 school districts of the third class and school districts of
7 the fourth class including independent school districts, to
8 levy, assess, collect or to provide for the levying,
9 assessment and collection of certain taxes subject to maximum
10 limitations for general revenue purposes; authorizing the
11 establishment of bureaus and the appointment and compensation
12 of officers, agencies and employes to assess and collect such
13 taxes; providing for joint collection of certain taxes,
14 prescribing certain definitions and other provisions for
15 taxes levied and assessed upon earned income, providing for
16 annual audits and for collection of delinquent taxes, and
17 permitting and requiring penalties to be imposed and
18 enforced, including penalties for disclosure of confidential
19 information, providing an appeal from the ordinance or
20 resolution levying such taxes to the court of quarter
21 sessions and to the Supreme Court and Superior Court," in
22 local taxes, further providing for collection; in
23 consolidated collection of local income taxes, further
24 providing for tax collection committees and for powers and
25 duties of tax officer; in collection of delinquent taxes,
26 further providing for costs of collection; and making a
27 related editorial change.

28 The General Assembly of the Commonwealth of Pennsylvania

29 hereby enacts as follows:

1 Section 1. Section 313(a), Chapter 5 heading, section
2 505(a), (A.1), (B), (C), (J) AND (L) and section 509(k) of the <--
3 act of December 31, 1965 (P.L.1257, No.511), known as The Local
4 Tax Enabling Act, are amended to read:

5 Section 313. Collection of Taxes.--(a) Administrative
6 Personnel; Joint Agreements.--

7 (1) Except as provided in section 506 and subject to the
8 provisions of section 509, any political subdivision is hereby
9 authorized to provide by ordinance or resolution for the
10 creation or designation of tax bureaus or the appointment and
11 compensation of a political subdivision, public employe, tax
12 bureau or public or private agency for the assessment and
13 collection of taxes imposed under authority of this chapter.
14 Each ordinance or resolution under this section authorizing a
15 political subdivision, public employe, tax bureau or public or
16 private agency to act in the capacity and with the authority of
17 a tax collector shall continue in force without annual
18 reauthorization unless otherwise repealed or revoked by the
19 political subdivision or unless otherwise provided by this act.

20 (2) Except as provided in section 506 and subject to the
21 provisions of section 509, political subdivisions imposing taxes
22 under authority of this chapter are authorized to make joint
23 agreements for the collection of such taxes or any of them. The
24 same political subdivision, tax bureau or public or private
25 agency may be employed by two or more political subdivisions to
26 collect any taxes imposed by them under authority of this
27 chapter.

28 * * *

29 CHAPTER 5

30 CONSOLIDATED COLLECTION OF LOCAL [INCOME] TAXES

1 Section 505. Tax collection committees.

2 (a) General rule.--Subject to the provisions of subsection
3 (m) and section 509(k), each tax collection district shall be
4 governed by a tax collection committee constituted and operated
5 as set forth in this section. Meetings of the tax collection
6 committee shall be conducted under 65 Pa.C.S. Ch. 7 (relating to
7 open meetings) and the act of June 21, 1957 (P.L.390, No.212),
8 referred to as the Right-to-Know Law.

9 (A.1) DUTIES.--A TAX COLLECTION COMMITTEE HAS THE FOLLOWING <--
10 DUTIES:

11 (1) TO KEEP RECORDS OF ALL VOTES AND OTHER ACTIONS TAKEN
12 BY THE TAX COLLECTION COMMITTEE.

13 (2) TO APPOINT AND OVERSEE A TAX OFFICER FOR THE TAX
14 COLLECTION DISTRICT AS PROVIDED IN SECTION 507(A).

15 (3) TO SET THE COMPENSATION OF THE TAX OFFICER UNDER
16 SECTION 507(C).

17 (4) TO REQUIRE, HOLD, SET AND REVIEW THE TAX OFFICER'S
18 BOND REQUIRED BY SECTION 509(D).

19 (5) TO ESTABLISH THE MANNER AND EXTENT OF FINANCING OF
20 THE TAX COLLECTION COMMITTEE.

21 (6) TO ADOPT, AMEND AND REPEAL BYLAWS FOR THE MANAGEMENT
22 OF ITS AFFAIRS CONSISTENT WITH SUBSECTION (F) AND REGULATIONS
23 UNDER SECTION 508.

24 (7) TO ADOPT, AMEND AND REPEAL POLICIES AND PROCEDURES
25 CONSISTENT WITH THE REGULATIONS UNDER SECTION 508 FOR THE
26 ADMINISTRATION OF [INCOME] TAXES UNDER SECTION 509 WITHIN THE
27 TAX COLLECTION DISTRICT. THE PROCEDURES SHALL SUPERSEDE ANY
28 CONTRARY RESOLUTIONS OR ORDINANCES ADOPTED BY A POLITICAL
29 SUBDIVISION. THIS AUTHORITY SHALL NOT BE CONSTRUED TO PERMIT
30 A TAX COLLECTION COMMITTEE TO CHANGE THE RATE OR SUBJECT OF

1 ANY TAX.

2 * * *

3 (B) DELEGATES.--

4 (1) THE GOVERNING BODY OF EACH POLITICAL SUBDIVISION
5 WITHIN A TAX COLLECTION DISTRICT THAT IMPOSED AN INCOME TAX
6 PRIOR TO JULY 1, 2009, SHALL APPOINT ONE VOTING DELEGATE AND
7 ONE OR MORE ALTERNATES TO REPRESENT THE POLITICAL SUBDIVISION
8 ON THE TAX COLLECTION COMMITTEE BY SEPTEMBER 15, 2009. THE
9 GOVERNING BODY OF EACH POLITICAL SUBDIVISION THAT AFTER JUNE
10 30, 2009, IMPOSES [AN INCOME] A TAX [FOR THE FIRST TIME]
11 UNDER SECTION 509 SHALL APPOINT ONE VOTING DELEGATE AND ONE
12 OR MORE ALTERNATES TO REPRESENT THE POLITICAL SUBDIVISION ON
13 THE TAX COLLECTION COMMITTEE. A VOTING DELEGATE OR ALTERNATE
14 SHALL SERVE AT THE PLEASURE OF THE GOVERNING BODY OF THE
15 POLITICAL SUBDIVISION.

16 (2) THE GOVERNING BODY OF EACH POLITICAL SUBDIVISION
17 WITHIN A TAX COLLECTION DISTRICT THAT PRIOR TO JULY 1, 2009,
18 DOES NOT IMPOSE AN INCOME TAX MAY APPOINT ONE NONVOTING
19 DELEGATE AND ONE OR MORE ALTERNATES TO REPRESENT THE
20 POLITICAL SUBDIVISION ON THE TAX COLLECTION COMMITTEE. IF,
21 AFTER JUNE 30, 2009, THE POLITICAL SUBDIVISION IMPOSES [AN
22 INCOME] A TAX UNDER SECTION 509, THE NONVOTING DELEGATE SHALL
23 BECOME A VOTING DELEGATE TO REPRESENT THE POLITICAL
24 SUBDIVISION ON THE TAX COLLECTION COMMITTEE.

25 * * *

26 (C) VOTING RIGHTS.--

27 (1) ONLY A DELEGATE APPOINTED BY THE GOVERNING BODY OF A
28 POLITICAL SUBDIVISION MAY REPRESENT A POLITICAL SUBDIVISION
29 AT A TAX COLLECTION COMMITTEE MEETING. IF A DELEGATE CANNOT
30 BE PRESENT FOR A TAX COLLECTION COMMITTEE MEETING, THE

1 ALTERNATE APPOINTED UNDER THIS SECTION MAY REPRESENT THE
2 POLITICAL SUBDIVISION. EACH DELEGATE OR ALTERNATE SHALL BE
3 ENTITLED TO VOTE UPON ANY ACTION AUTHORIZED OR REQUIRED OF
4 THE TAX COLLECTION COMMITTEE UNDER THIS CHAPTER.

5 (2) FOR THE FIRST MEETING OF THE TAX COLLECTION
6 COMMITTEE, ACTIONS OF THE TAX COLLECTION COMMITTEE SHALL BE
7 DETERMINED BY A MAJORITY VOTE OF THOSE DELEGATES PRESENT.
8 VOTES SHALL BE WEIGHTED AMONG THE GOVERNING BODIES OF THE
9 MEMBER POLITICAL SUBDIVISIONS ACCORDING TO THE FOLLOWING
10 FORMULA: 50% SHALL BE ALLOCATED ACCORDING TO THE PROPORTIONAL
11 POPULATION OF EACH POLITICAL SUBDIVISION IN PROPORTION TO THE
12 POPULATION OF EACH TAX COLLECTION DISTRICT AS DETERMINED BY
13 THE MOST RECENT FEDERAL DECENNIAL CENSUS DATA AND 50% SHALL
14 BE WEIGHTED IN DIRECT PROPORTION TO [INCOME] TAX REVENUES
15 COLLECTED IN EACH POLITICAL SUBDIVISION, BASED ON EACH
16 POLITICAL SUBDIVISION'S MOST RECENT ANNUAL FINANCIAL REPORT
17 SUBMITTED TO THE DEPARTMENT OR THE DEPARTMENT OF EDUCATION.
18 FOR SUBSEQUENT MEETINGS, VOTES SHALL BE TAKEN IN ACCORDANCE
19 WITH THIS PARAGRAPH UNLESS THE BYLAWS PROVIDE OTHERWISE.

20 (3) NO LATER THAN SEPTEMBER 1, 2009, THE DEPARTMENT
21 SHALL CALCULATE THE WEIGHTED VOTE FOR EACH POLITICAL
22 SUBDIVISION WITHIN EACH TAX COLLECTION DISTRICT BASED ON THE
23 FORMULA SPECIFIED IN PARAGRAPH (2). BY JULY 1 OF THE YEAR
24 FOLLOWING THE FIRST MEETING, AND OF EACH YEAR THEREAFTER,
25 EACH TAX COLLECTION COMMITTEE SHALL RECALCULATE THE WEIGHTED
26 VOTE UNLESS THE BYLAWS PROVIDE FOR A MORE FREQUENT
27 RECALCULATION.

28 (4) IF A POLITICAL SUBDIVISION WITHIN THE TAX COLLECTION
29 DISTRICT IMPOSES [AN INCOME] A TAX UNDER SECTION 509 FOR THE
30 FIRST TIME, THE TAX COLLECTION COMMITTEE SHALL RECALCULATE

1 THE WEIGHTED VOTE OR OTHER METHOD OF VOTING UNDER THE BYLAWS.

2 * * *

3 (J) APPEALS BOARD.--

4 (1) BY JUNE 1, 2010, EACH TAX COLLECTION COMMITTEE SHALL
5 ESTABLISH AN APPEALS BOARD COMPRISED OF A MINIMUM OF THREE
6 DELEGATES OR, IN THE CASE OF A TAX COLLECTION COMMITTEE
7 ESTABLISHED PURSUANT TO SUBSECTION (M), A MINIMUM OF THREE
8 RESIDENTS OF THE COUNTY.

9 (2) A DETERMINATION OF THE TAX OFFICER RELATING TO THE
10 ASSESSMENT, COLLECTION, REFUND, WITHHOLDING, REMITTANCE OR
11 DISTRIBUTION OF [INCOME] TAXES MAY BE APPEALED TO THE APPEALS
12 BOARD BY A TAXPAYER, EMPLOYER, POLITICAL SUBDIVISION OR
13 ANOTHER TAX COLLECTION DISTRICT.

14 (3) ALL APPEALS, OTHER THAN THOSE BROUGHT UNDER
15 SUBSECTION (K), SHALL BE CONDUCTED IN A MANNER CONSISTENT
16 WITH 53 PA.C.S. §§ 8431 (RELATING TO PETITIONS), 8432
17 (RELATING TO PRACTICE AND PROCEDURE), 8433 (RELATING TO
18 DECISIONS), 8434 (RELATING TO APPEALS) AND 8435 (RELATING TO
19 EQUITABLE AND LEGAL PRINCIPLES TO APPLY).

20 (4) A TAX COLLECTION COMMITTEE MAY ENTER INTO AN
21 AGREEMENT WITH ANOTHER TAX COLLECTION COMMITTEE TO ESTABLISH
22 A JOINT APPEALS BOARD.

23 (5) NO MEMBER OF AN APPEALS BOARD OR JOINT APPEALS BOARD
24 MAY BE A TAX OFFICER OR AN EMPLOYEE, AGENT OR ATTORNEY FOR A
25 TAX OFFICER.

26 (6) AN APPEALS BOARD APPOINTED PURSUANT TO THIS SECTION
27 SHALL CONSTITUTE A JOINT LOCAL TAX APPEALS BOARD AS PROVIDED
28 FOR IN 53 PA.C.S. § 8430 (RELATING TO ADMINISTRATIVE APPEALS)
29 FOR PURPOSES OF TAXES COLLECTED UNDER THE SUPERVISION OF THE
30 APPOINTING TAX COLLECTION COMMITTEE.

1 * * *

2 (L) ANNUAL BUDGET REQUIRED.--

3 (1) EACH TAX COLLECTION COMMITTEE SHALL ADOPT AN ANNUAL
4 BUDGET PROVIDING FOR COMPENSATION OF THE TAX OFFICER AND
5 OTHER EXPENSES OF OPERATING THE TAX COLLECTION DISTRICT.

6 (2) THE EXPENSES OF OPERATING THE TAX COLLECTION
7 DISTRICT SHALL BE SHARED AMONG AND PAID BY ALL POLITICAL
8 SUBDIVISIONS WITHIN THE TAX COLLECTION DISTRICT THAT ARE
9 REPRESENTED BY VOTING DELEGATES ON THE TAX COLLECTION
10 COMMITTEE AND SHALL BE WEIGHTED IN DIRECT PROPORTION TO
11 [INCOME] TAX REVENUES COLLECTED IN EACH PARTICIPATING
12 POLITICAL SUBDIVISION BASED ON THE POLITICAL SUBDIVISION'S
13 MOST RECENT ANNUAL AUDIT REPORT REQUIRED UNDER THIS SECTION.

14 * * *

15 Section 509. Powers and duties of tax officer.

16 * * *

17 (k) Collection.--In addition to the powers and duties
18 enumerated in this section, a tax officer:

19 (1) shall collect each tax which is authorized under
20 sections 301.1 and 303 except tax upon the transfer of real
21 property or of an interest in real property; and

22 (2) when designated by the tax collection committee, [a
23 tax officer] may collect other taxes levied pursuant to [this
24 act,] the act of June 27, 2006 (1st Sp.Sess., P.L.1873,
25 No.1), known as the Taxpayer Relief Act, or other statutory
26 law.

27 Section 2. Section 707 heading of the act is amended and the
28 section is amended by adding a subsection to read:

29 Section 707. Costs of Collection of Delinquent Per Capita,
30 Occupation, Occupational Privilege, Emergency and Municipal

1 Services, Local Services [and], Income and Payroll Taxes.--* * *

2 (d) A contingent fee audit may not be conducted in the
3 collection of delinquent taxes.

4 Section 3. Nothing in this act shall be construed to
5 terminate or modify the terms of a contract in effect on the
6 effective date of this act for the term of that contract unless
7 otherwise agreed to in writing by the parties to the contract.

8 Section 4. This act shall take effect January 1, 2018.

Resolution 6

Resolution #6-2017

Submitted by: PML Legislative Committee

Municipal Electric Systems

Whereas, thirty-five boroughs in Pennsylvania independently operate their own municipal electric systems and have done so for over one hundred years; and

Whereas, locally provided and managed utilities are more reliable, more responsive and accountable to local concerns and less expensive than traditional electric providers; and

Whereas, a locally managed utility can reduce municipal reliance on a Real Property Tax and help fund municipal services through revenue payments to the municipal general fund; and

Whereas, House Bill 1405 of 2017 seeks to preempt local regulation of borough owned electric systems in lieu of state regulation by: limiting energy revenue use to a borough's expenses in generating and distributing electricity; providing for legal challenges in county court; limiting the frequency of rate changes; and establishing standards for payment agreements and rules for shut offs; and

Whereas, such regulation at the state level will result at a minimum in increased property taxes and a reduction in municipal services in the impacted boroughs.

Therefore, be it resolved: the Pennsylvania Municipal League opposes House Bill 1405 and its preemption of local regulation of municipal electric systems.

Be it further resolved: the Pennsylvania Municipal League supports the efforts of the PA Municipal Electric Association in defending locally managed electric systems.

This resolution supports current borough electric operations and opposes legislation seeking to preempt local practices and force regulation at the state level.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1405 Session of
2017

INTRODUCED BY BERNSTINE, SNYDER, SAYLOR, SIMS, CHRISTIANA, DUSH, GABLER, METCALFE, PHILLIPS-HILL, ROAE, RYAN, SACCONI, SANKEY, WALSH, WARD, WHEELAND, FITZGERALD, RABB, SOLOMON, BLOOM, CEPHAS, CHARLTON, COOK, COX, BAKER, CUTLER, DAWKINS, DIAMOND, DIGIROLAMO, DOWLING, DUNBAR, ELLIS, ENGLISH, EVANKOVICH, EVERETT, FRITZ, GILLESPIE, GROVE, A. HARRIS, HENNESSEY, HILL-EVANS, IRVIN, KAUFER, KEEFER, M. K. KELLER, KULIK, LAWRENCE, LEWIS, MAHER, MAKO, MARSICO, McCLINTON, MCGINNIS, MICCARELLI, MILLARD, MILNE, MOUL, MUSTIO, ORTITAY, PICKETT, PYLE, RADER, ROE, ROTHMAN, SCHLOSSBERG, SIMMONS, STEPHENS, TALLMAN, TOOHIL, TOPPER, WARNER, WARREN, WHITE, D. COSTA, NELSON AND SAMUELSON, MAY 18, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 18, 2017

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in manufacture and supply
3 of electricity, further providing for specific powers and
4 providing for security deposits, for payment agreements and
5 for restrictions on termination.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 24A03(a)(2) of Title 8 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 24A03. Specific powers.

11 (a) Specific powers enumerated.--In addition to exercising
12 its general powers under section 24A02 (relating to general
13 powers), a borough, through its governing body, shall have the
14 following powers:

1 * * *

2 (2) To regulate the use of and the charge for
3 electricity furnished by the borough for use throughout the
4 borough[.], subject to the following:

5 (i) A borough may fix, establish, maintain and
6 collect or authorize by contract or otherwise the
7 establishment, levying and collection of the rates, fees,
8 rental or other charges, including connection charges,
9 [for the services afforded by or in connection with any
10 properties which the borough constructs, erects, owns,
11 acquires, operates or manages and for the sale or
12 transmission of electric energy and power as it deems
13 necessary, proper, desirable and reasonable.] in the area
14 served by borough facilities at reasonable and uniform
15 rates to be determined exclusively by the borough for the
16 purpose of providing for the payment of the expenses of
17 the borough for the production and distribution of
18 electricity and the construction, improvement, repair,
19 maintenance and operation of the borough's facilities and
20 properties.

21 (ii) A person questioning the reasonableness or
22 uniformity of a rate fixed by a borough or the adequacy,
23 safety and reasonableness of the borough's services,
24 including extensions thereof, may bring suit against the
25 borough in the court of common pleas of the county where
26 the project is located or, if the project is located in
27 more than one county, in the court of common pleas of the
28 county where the principal office of the project is
29 located. The court of common pleas shall have exclusive
30 jurisdiction to determine disputes involving rates or

1 services under this paragraph.

2 (iii) A rate change under this paragraph shall be
3 discussed at a publicly advertised meeting of the borough
4 council prior to adoption of the rate change. A borough
5 may not adjust the rates more than once every three
6 months.

7 (iv) A borough may include a purchase power
8 agreement formula in the calculation of the rates to
9 adjust for the changing cost of the production of
10 electricity. The purchase power agreement shall be
11 published with the rate information.

12 (v) A borough that generates its own electricity in
13 accordance with the guidelines and regulations
14 promulgated by the Pennsylvania-New Jersey-Maryland
15 Interconnection shall have the power, and is not subject
16 to subparagraphs (i), (ii), (iii) and (iv), to regulate
17 the use of and the charge for electricity furnished by
18 the borough for use throughout the borough. A borough may
19 fix, establish, maintain and collect or authorize by
20 contract or otherwise the establishment, levying and
21 collection of the rates, fees, rental or other charges,
22 including connection charges, for the services afforded
23 by or in connection with any property that the borough
24 constructs, erects, owns, acquires, operates or manages
25 and for the sale or transmission of electric energy and
26 power as the borough deems necessary, proper, desirable
27 and reasonable.

28 * * *

29 Section 2. Title 8 is amended by adding sections to read:

30 § 24A06. Security deposits.

1 (a) General rule.--If a borough electric provider requires a
2 security deposit, the security deposit shall be payable during a
3 90-day period, in an amount that is equal to one-sixth of the
4 applicant's estimated annual bill, from the following:

5 (1) An applicant who previously received utility
6 distribution services and was a customer of the borough and
7 whose service was terminated for any of the following
8 reasons:

9 (i) Nonpayment of an undisputed delinquent account.

10 (ii) Failure to complete payment of a deposit,
11 provide a guarantee or establish credit.

12 (iii) Failure to permit access to meters, service
13 connections or other property of the borough for the
14 purpose of replacement, maintenance, repair or meter
15 reading.

16 (iv) Unauthorized use of the utility service
17 delivered on or about the affected dwelling.

18 (v) Failure to comply with the material terms of a
19 settlement or payment arrangement.

20 (vi) Fraud or material misrepresentation of identity
21 for the purpose of obtaining utility service.

22 (vii) Tampering with a meter, including, but not
23 limited to, bypassing a meter or removal of an automatic
24 meter reading device or other borough equipment.

25 (2) An applicant or customer who is unable to establish
26 creditworthiness to the satisfaction of the borough through
27 the use of a generally accepted credit scoring methodology
28 that employs standards for using the methodology that fall
29 within the range of general industry practice.

30 (3) A customer who fails to comply with a material term

1 or condition of a settlement or payment arrangement.

2 (b) Cash deposit prohibition.--Notwithstanding subsection

3 (a), no borough may require a customer or applicant that is
4 confirmed to be eligible for a customer assistance program to
5 provide a cash deposit.

6 (c) Third-party guarantor.--Nothing in this section shall be
7 construed to preclude an applicant from furnishing a third-party
8 guarantor in lieu of a cash deposit. The guaranty shall be in
9 writing and shall state the terms of the guaranty. The guarantor
10 shall be responsible for all missed payments owed to the
11 borough.

12 (d) Deposit hold period.--

13 (1) A borough may hold a deposit until a timely payment
14 history is established.

15 (2) A timely payment history is established when a
16 customer has paid in full and on time for 12 consecutive
17 months.

18 (3) At the end of the deposit holding period as
19 established in paragraph (1), the borough shall deduct the
20 outstanding balance from the deposit and return or credit any
21 positive difference to the customer.

22 (4) If service is terminated before the end of the
23 deposit holding period as established in paragraph (1), the
24 borough shall deduct the outstanding balance from the deposit
25 and return any positive difference to the customer within 60
26 days of the termination.

27 (5) If a customer becomes delinquent before the end of
28 the deposit holding period as established in paragraph (1),
29 the borough may deduct the outstanding balance from the
30 deposit.

1 (6) The borough shall accrue interest on the deposit
2 until it is returned or credited as follows:

3 (i) Interest shall be computed at the simple annual
4 interest rate determined by the Secretary of Revenue for
5 interest on the underpayment of tax under section 806 of
6 the act of April 9, 1929 (P.L.343, No.176), known as The
7 Fiscal Code.

8 (ii) The interest rate in effect when deposit is
9 required to be paid shall remain in effect until the
10 later of:

11 (A) the date the deposit is refunded or
12 credited; or

13 (B) December 31.

14 (iii) On January 1 of each year, the new interest
15 rate for that year shall apply to the deposit.

16 (e) Adult occupants.--Prior to providing utility service, a
17 borough may require the applicant to provide the names of each
18 adult occupant residing at the location and proof of their
19 identity.

20 (f) Failure to pay full amount of cash deposit.--A borough
21 shall not be required to provide service if the applicant or
22 customer fails to pay the full amount of the cash deposit within
23 the time period under subsection (a).

24 (g) Estimated annual bill.--For purposes of this section, an
25 estimated annual bill shall be calculated on the basis of the
26 annual bill to the dwelling at which service is requested for
27 the prior 12 months or, if unavailable, a similar dwelling in
28 close proximity.

29 (h) Time for paying deposits upon reconnection.--Applicants
30 and customers required to pay a deposit upon reconnection under

1 subsection (a)(1) shall have up to 90 days to pay the deposit.

2 § 24A07. Payment agreements.

3 (a) General rule.--A borough may enter into a payment
4 agreement with a delinquent customer.

5 (b) Length of payment arrangement.--The length of time for a
6 customer to resolve an unpaid balance on an account that is
7 subject to a payment arrangement between the borough and the
8 customer may not extend beyond:

9 (1) Five years, if the customer has a gross monthly
10 household income level not exceeding 150% of the Federal
11 poverty level.

12 (2) Three years, if the customer has a gross monthly
13 household income level exceeding 150% and not more than 250%
14 of the Federal poverty level.

15 (3) One year, if the customer has a gross monthly
16 household income level exceeding 250% of the Federal poverty
17 level and not more than 300% of the Federal poverty level.

18 (4) Six months, if the customer has a gross monthly
19 household income level exceeding 300% of the Federal poverty
20 level.

21 (c) Customer assistance programs.--Customer assistance
22 program rates shall be timely paid and shall not be the subject
23 of payment arrangements negotiated or approved by the borough.

24 (d) Number of payment arrangements.--Absent a change in
25 income, the borough shall not be required to establish a second
26 or subsequent payment arrangement if the customer has defaulted
27 on a previous payment arrangement with the borough. The borough
28 may, at its discretion, enter into a second or subsequent
29 payment arrangement with the customer.

30 (e) Extension of payment arrangement.--If the customer

defaults on a payment arrangement established under subsections
(a) and (b) as a result of a significant change in circumstance,
the borough may reinstate the payment arrangement and extend the
remaining term for an initial period of six months. The initial
extension period may be extended for an additional six months
for good cause shown.

(f) Failure to comply with payment arrangement.--Failure of
a customer to comply with the terms of a payment arrangement
shall be grounds for the borough to terminate the customer's
service. The customer shall pay that portion of the bill that is
not in dispute and subsequent bills that are not in dispute.

§ 24A08. Restrictions on termination.

(a) Winter termination.--

(1) (i) After November 30 and before April 1, a borough
electric provider may not terminate service to customers
with household incomes at or below 250% of the Federal
poverty level except for customers whose actions conform
to subsection (c)(1).

(ii) The borough may terminate service in accordance
with this section to customers with household incomes
exceeding 250% of the Federal poverty level.

(2) In addition to the winter termination authority
specified in paragraph (1), the borough may terminate service
to a customer whose household income exceeds 150% of the
Federal poverty level but does not exceed 250% of the Federal
poverty level and, starting January 1, has not paid at least
50% of the charges for each of the prior two months unless
the customer has done one of the following:

(i) proven that the customer's household contains
one or more persons who are 65 years of age or older;

1 (ii) proven that the customer's household contains
2 one or more persons 12 years of age or younger; or

3 (iii) paid to the borough an amount representing at
4 least 15% of the customer's monthly household income for
5 each of the last two months.

6 (b) Medical certification.--A borough may not terminate
7 service to a premises when a customer has submitted a medical
8 certificate to the borough. The customer must obtain a medical
9 certificate verifying the condition and promptly forward the
10 certificate to the borough.

11 (c) Grounds for immediate termination.--

12 (1) The borough may immediately terminate service for
13 any of the following actions by the customer:

14 (i) Unauthorized use of the service delivered on or
15 about the affected dwelling.

16 (ii) Fraud or material misrepresentation of the
17 customer's identity for the purpose of obtaining service.

18 (iii) Tampering with a meter or other equipment of a
19 public utility.

20 (iv) Tendering payment for reconnection of service
21 that is subsequently dishonored, revoked or canceled and
22 has not been cured or otherwise paid in full, within
23 three business days of the borough's notice to the
24 customer, in accordance with the notice of the dishonored
25 payment.

26 (2) Upon termination, the borough shall make a good
27 faith attempt to provide a post-termination notice to the
28 customer or a responsible person at the affected premises
29 and, in the case of a single-meter, multiunit dwelling, the
30 borough shall conspicuously post the notice at the dwelling,

1 including in common areas when possible.

2 Section 3. This act shall take effect in 60 days.

Resolution 7

Resolution #7-2017

Submitted by: PML Legislative Committee

UCC Third Party Inspectors

Whereas, the PA Construction Code, Act 45 of 1999 (the UCC), was enacted to address public safety by requiring new construction and major reconstruction in Pennsylvania to be built to uniform specifications and independently inspected; and

Whereas, under Act 45 municipalities have the option to administer and enforce the UCC themselves, to hire one or more third party inspection agencies, to utilize an intergovernmental approach, such as a Council of Governments, or to opt-out of enforcement all together; and

Whereas, the currently local decision of how to handle UCC administration and enforcement must remain local as municipal officials are ultimately responsible for their constituents' health, safety and welfare and are in the best position to decide which type of enforcement best suits the needs of their community; and

Whereas, legislation in recent sessions has sought to place a mandate on communities that use a third party inspector to require they offer a choice to permit applicants of more than one inspector; and

Whereas, third party agencies work under contract on behalf of the municipalities that hire them; and

Whereas, this unfunded mandate will increase the costs of vetting, contracting with and oversight of additional third party inspectors; and

Whereas, this unfunded mandate also opens the inspection process up to abuse and the ability to "shop" for the most favorable inspector/outcome; and

Whereas, placing the unfunded mandate of additional inspectors on a municipality increases the necessary municipal oversight of inspectors and increases the likelihood of inconsistent application of the UCC.

Therefore, be it resolved: the Pennsylvania Municipal League opposes legislation mandating that a municipality offer more than one third party inspector to administer and enforce the UCC.

This resolution opposes a mandate on local government to offer a choice of more than one third party inspector to administer and enforce the UCC when third parties are used as the primary source of enforcement.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 663 Session of
2017

INTRODUCED BY LAUGHLIN, MENSCH, DiSANTO AND RESCHENTHALER,
MAY 2, 2017

REFERRED TO LABOR AND INDUSTRY, MAY 2, 2017

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," in adoption and enforcement
6 by municipalities, further providing for administration and
7 enforcement.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 501(b) of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, is amended and the section is amended by adding a
13 subsection to read:

14 Section 501. Administration and enforcement.

15 * * *

16 (b) Municipal administration and enforcement.--This act may
17 be administered and enforced by municipalities in any of the
18 following ways:

19 (1) By the designation of an employee to serve as the
20 municipal code official to act on behalf of the municipality

1 for administration and enforcement of this act.

2 (2) By the retention of [one] three or more construction
3 code officials or third-party agencies to act on behalf of
4 the municipality for administration and enforcement of this
5 act.

6 (3) Two or more municipalities may provide for the joint
7 administration and enforcement of this act through an
8 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A
9 (relating to intergovernmental cooperation).

10 (4) By entering into a contract with the proper
11 authorities of another municipality for the administration
12 and enforcement of this act. When such a contract has been
13 entered into, the municipal code official shall have all the
14 powers and authority conferred by law in the municipality
15 which has contracted to secure such services.

16 (5) By entering into an agreement with the department
17 for plan reviews, inspections and enforcement of structures
18 other than one-family or two-family dwelling units and
19 utility and miscellaneous use structures.

20 (b.1) Fee limitations.--

21 (1) A municipality administering and enforcing this act
22 in accordance with subsection (b)(1) or (3) shall collect
23 fees that represent the actual administrative costs of code
24 enforcement.

25 (2) A municipality subject to paragraph (1) shall
26 annually report to the department, on a schedule determined
27 by the department, the fees collected and the operating costs
28 of the municipality's code enforcement program. The
29 department shall have the power to order a municipality to
30 readjust a fee schedule that the department reasonably

1 believes to be excessive. For the purposes of this paragraph,
2 the term "excessive" shall mean annual fees that exceed
3 operating costs of the code enforcement program by 10%.

4 (3) Municipalities administering and enforcing this act
5 in accordance with paragraph (1) shall not require a
6 standardized fee schedule and shall permit construction code
7 officials or third-party agencies to establish independent
8 fee schedules.

9 * * *

10 Section 2. This act shall take effect January 1, 2018.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1469 Session of 2017

INTRODUCED BY HEFFLEY, MCGINNIS, MILLARD, MALONEY, PHILLIPS-
HILL, COX, WHEELAND, ZIMMERMAN AND MICCARELLI, MAY 31, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 2017

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," in adoption and enforcement
6 by municipalities, further providing for administration and
7 enforcement; AND, IN TRAINING AND CERTIFICATION OF <--
8 INSPECTORS, FURTHER PROVIDING FOR TRAINING OF INSPECTORS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 501 of the act of November 10, 1999~~ <--
12 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~
13 ~~Act, is amended by adding a subsection to read:~~

14 ~~Section 501. Administration and enforcement.~~

15 * * *

16 SECTION 1. SECTION 501(B)(1), (2) AND (3) OF THE ACT OF <--
17 NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA
18 CONSTRUCTION CODE ACT, ARE AMENDED AND THE SECTION IS AMENDED BY
19 ADDING SUBSECTIONS TO READ:

20 SECTION 501. ADMINISTRATION AND ENFORCEMENT.

1 * * *

2 (B) MUNICIPAL ADMINISTRATION AND ENFORCEMENT.--THIS ACT MAY
3 BE ADMINISTERED AND ENFORCED BY MUNICIPALITIES IN ANY OF THE
4 FOLLOWING WAYS:

5 (1) BY THE DESIGNATION OF AN EMPLOYEE TO SERVE AS THE
6 MUNICIPAL CODE OFFICIAL TO ACT ON BEHALF OF THE MUNICIPALITY
7 FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT. A MUNICIPAL
8 CODE OFFICIAL MAY UTILIZE THIRD-PARTY AGENCIES TO SUPPLEMENT
9 THE MUNICIPAL CODE ENFORCEMENT PROGRAM'S PLAN REVIEW AND
10 INSPECTION SERVICES OR MAY UTILIZE THIRD-PARTY AGENCIES TO
11 PERFORM PLAN REVIEW AND INSPECTION SERVICES IN CATEGORIES
12 WHICH ITS PROGRAM DOES NOT POSSESS THE NECESSARY PERSONNEL TO
13 ADMINISTER.

14 (2) BY THE RETENTION OF ONE OR MORE [CONSTRUCTION CODE
15 OFFICIALS OR] THIRD-PARTY AGENCIES TO ACT ON BEHALF OF THE
16 MUNICIPALITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS
17 ACT[.], EXCEPT THAT THE PROVISIONS OF SUBSECTION (B.1) SHALL
18 APPLY IF THE MUNICIPALITY CONTRACTS WITH ONLY ONE THIRD-PARTY
19 AGENCY FOR ADMINISTRATION AND ENFORCEMENT.

20 (3) TWO OR MORE MUNICIPALITIES MAY PROVIDE FOR THE JOINT
21 ADMINISTRATION AND ENFORCEMENT OF THIS ACT THROUGH AN
22 INTERMUNICIPAL AGREEMENT UNDER 53 PA.C.S. CH. 23 SUBCH. A
23 (RELATING TO INTERGOVERNMENTAL COOPERATION)[.], EXCEPT THAT
24 THE PROVISIONS OF SUBSECTION (B.1) SHALL APPLY IF THE
25 AGREEMENT PROVIDES FOR ONLY ONE THIRD-PARTY AGENCY FOR
26 ADMINISTRATION AND ENFORCEMENT.

27 * * *

28 (B.1) EXCLUSIVE ADMINISTRATION AND ENFORCEMENT.--THE
29 FOLLOWING APPLY:

30 (1) IF A MUNICIPALITY CONTRACTS WITH ONE THIRD-PARTY

1 AGENCY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT, AN
2 APPLICANT MAY UTILIZE THE SERVICES OF ANOTHER THIRD-PARTY
3 AGENCY IF THE ALTERNATIVE THIRD-PARTY AGENCY AGREES TO REMIT
4 A SURCHARGE FOR ITS SERVICES TO THE MUNICIPALITY. THE
5 SURCHARGE SHALL BE A PERCENTAGE OF THE TOTAL AMOUNT OF FEES
6 CHARGED BY THE ALTERNATIVE THIRD-PARTY AGENCY. THE PERCENTAGE
7 SHALL BE ESTABLISHED BY THE MUNICIPALITY BY ORDINANCE AS A
8 PERCENTAGE NOT TO EXCEED 10%. IF THE MUNICIPALITY FAILS TO
9 ESTABLISH A SURCHARGE AS SPECIFIED UNDER THIS PARAGRAPH, THE
10 SURCHARGE SHALL BE 1% OF THE TOTAL FEES CHARGED BY THE
11 ALTERNATIVE THIRD-PARTY AGENCY FOR THE ALTERNATIVE THIRD-
12 PARTY AGENCY'S SERVICES ON A PROJECT.

13 (2) IN ACCORDANCE WITH THE MUNICIPALITY'S
14 OVERALL PERMITTING PROCESS FOR A PROJECT, THE MUNICIPALITY
15 SHALL NOTIFY THE APPLICANT THAT THE APPLICANT MAY UTILIZE THE
16 SERVICES OF AN ALTERNATIVE THIRD-PARTY AGENCY OF THE
17 APPLICANT'S CHOICE FOR THE CONSTRUCTION REQUIREMENTS OF THE
18 APPLICATION COVERED BY THIS ACT, INCLUDING ALL PLAN REVIEW
19 AND INSPECTION SERVICES. THE APPLICANT SHALL BE NOTIFIED OF
20 THE INFORMATION REQUIRED UNDER SUBSECTION (B.2).

21 (3) THE APPLICANT SHALL NOTIFY THE MUNICIPALITY AND ITS
22 CONTRACTED THIRD-PARTY AGENCY OF ITS INTENT TO UTILIZE AN
23 ALTERNATIVE THIRD-PARTY AGENCY FOR THE CONSTRUCTION
24 REQUIREMENTS REQUIRED BY THIS ACT FOR A PROJECT. THE
25 APPLICANT SHALL PROVIDE, IN ITS NOTIFICATION, THE NAME OF THE
26 ALTERNATIVE THIRD-PARTY AGENCY THAT WILL BE UTILIZED AND
27 APPROPRIATE CONTACT INFORMATION.

28 (4) BEFORE PERFORMING SERVICES ON A PROJECT, THE
29 ALTERNATIVE THIRD-PARTY AGENCY BEING UTILIZED BY THE
30 APPLICANT SHALL NOTIFY THE MUNICIPALITY AND ITS CONTRACTED

1 THIRD-PARTY AGENCY THAT IT IS PERFORMING SERVICES REQUIRED BY
2 THIS ACT ON THE PROJECT FOR THE APPLICANT. ON THE DATE OF
3 ISSUANCE OF THE PERMIT REQUIRED BY THIS ACT, THE ALTERNATIVE
4 THIRD-PARTY AGENCY SHALL PROVIDE THE MUNICIPALITY AND ITS
5 EXCLUSIVE THIRD-PARTY AGENCY WITH A COPY OF THE PERMIT ISSUED
6 FOR THE PROJECT AND THE APPROVED PLANS OF RECORD FOR THE
7 PROJECT.

8 (5) THE APPLICANT SHALL UTILIZE THE SERVICES OF THE
9 ALTERNATIVE THIRD-PARTY AGENCY FOR ALL REQUIREMENTS OF THIS
10 ACT ASSOCIATED WITH A PROJECT.

11 (6) ON THE DATE OF ISSUANCE OF THE FINAL INSPECTION
12 REPORT FOR A PROJECT, THE ALTERNATIVE THIRD-PARTY AGENCY
13 SHALL FORWARD THE FOLLOWING TO THE MUNICIPALITY AND THE
14 MUNICIPALITY'S THIRD-PARTY AGENCY:

15 (I) THE FINAL INSPECTION REPORT THAT WAS ISSUED FOR
16 THE PROJECT.

17 (II) A SUMMARY OF TOTAL FEES CHARGED TO THE
18 APPLICANT.

19 (III) PAYMENT OF THE SURCHARGE ASSESSED UNDER
20 PARAGRAPH (1).

21 (IV) THE FEE REQUIRED UNDER SECTION 703(A).

22 (V) ANY ADDITIONAL DOCUMENTATION ASSOCIATED WITH THE
23 PROJECT THAT IS REQUESTED BY THE MUNICIPALITY.

24 (7) THE MUNICIPALITY OR ITS CONTRACTED THIRD-PARTY
25 AGENCY, WHICHEVER IS APPLICABLE, SHALL ACCEPT THE FINAL
26 INSPECTION REPORT WITH RESPECT TO THE REQUIREMENTS OF THIS
27 ACT. THE CONTRACTED THIRD-PARTY AGENCY SHALL BE IMMUNE FROM
28 ANY CIVIL LIABILITY ASSOCIATED WITH CONTENTS OF THE FINAL
29 INSPECTION REPORT.

30 (8) THE MUNICIPALITY OR ITS CONTRACTED THIRD-PARTY

1 AGENCY MAY WITHHOLD ISSUANCE OF THE CERTIFICATE OF OCCUPANCY
2 FOR A PROJECT IF THE ALTERNATIVE THIRD-PARTY AGENCY FAILS TO
3 COMPLY WITH PARAGRAPH (6).

4 (9) THE MUNICIPALITY MAY NOTIFY THE DEPARTMENT OF A
5 POSSIBLE VIOLATION OF THIS ACT IF AN ALTERNATIVE THIRD-PARTY
6 AGENCY FAILS TO COMPLY WITH PARAGRAPH (6). UPON RECEIVING
7 NOTICE BY THE MUNICIPALITY, THE DEPARTMENT SHALL CONDUCT AN
8 INVESTIGATION. THE DEPARTMENT MAY CONSIDER AN INTENTIONAL
9 FAILURE TO COMPLY WITH PARAGRAPH (6) AS JUST CAUSE FOR
10 DECERTIFICATION OF THE ALTERNATIVE THIRD-PARTY AGENCY UNDER
11 SECTION 701(H).

12 (10) A PROFESSIONAL SERVICES CONTRACT BETWEEN A
13 MUNICIPALITY AND A THIRD-PARTY AGENCY FOR THE
14 EXCLUSIVE ADMINISTRATION AND ENFORCEMENT OF THIS ACT IN
15 EFFECT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION SHALL
16 REMAIN IN EFFECT AND THE PROVISIONS OF THIS SUBSECTION SHALL
17 APPLY UPON THE EXPIRATION OF THE ORIGINAL TERMS OF THE
18 PROFESSIONAL SERVICES CONTRACT.

19 ~~(b.1)~~ (B.2) Administration and enforcement by third-party <--
20 agencies.--If a municipality contracts with one or more third-
21 party agencies for the administration and enforcement of this
22 act, the municipality shall have the following duties:

23 (1) Ensuring that the form utilized for a permit
24 application notifies an applicant of all of the following:

25 (i) The authority of a third-party agency exists as
26 a result of a contract approved by the governing body of
27 the municipality, or as a result of intermunicipal
28 agreement under 53 Pa.C.S. Ch. 23 Subch. A entered into
29 by the municipality.

30 (ii) An applicant may inform the governing body of

1 the municipality of complaints about a third-party
2 agency's services, including reports of incompetence or
3 gross negligence, a failure to abide by a time period
4 specified under this act, rude or unprofessional behavior
5 or discrimination based on personal bias against the
6 applicant.

7 (iii) The department certifies third-party agencies
8 and investigates complaints about service, including
9 complaints due to violations of this act, incompetence or
10 gross negligence, fraud, deceit or acts of moral
11 turpitude.

12 (iv) The department has a publicly accessible
13 Internet website which includes the form for filing a
14 complaint about service under subparagraph (iii).

15 (2) Maintaining a record of complaints submitted under
16 paragraph (1)(ii).

17 * * *

18 SECTION 2. SECTION 701 OF THE ACT IS AMENDED BY ADDING A
19 SUBSECTION TO READ:

20 SECTION 701. TRAINING OF INSPECTORS.

21 * * *

22 (H.1) CODE ADMINISTRATOR COMPLAINTS.--THE FOLLOWING APPLY:

23 (1) THE DEPARTMENT SHALL ACCEPT AND REVIEW A COMPLAINT
24 SUBMITTED BY A BUILDING PERMIT APPLICANT ABOUT A CODE
25 ADMINISTRATOR AND THE SECRETARY SHALL HAVE THE DISCRETION TO
26 ENFORCE REMEDIAL ACTIONS IF NECESSARY, INCLUDING ACTIONS TO
27 DECERTIFY THE CODE ADMINISTRATOR OR REVOKE THE CODE
28 ADMINISTRATOR'S CERTIFICATION FOR A PERIOD OF TIME AS
29 DETERMINED BY THE SECRETARY. THE DEPARTMENT SHALL REVIEW A
30 COMPLAINT ABOUT A CODE ADMINISTRATOR REGARDING ANY OF THE

1 FOLLOWING ALLEGATIONS:

2 (I) INCOMPETENCE, NEGLIGENCE OR UNETHICAL CONDUCT.

3 (II) FAILURE TO ABIDE BY A DEADLINE SPECIFIED UNDER
4 THIS ACT FOR A CODE ENFORCEMENT ACTION WHICH RESULTS IN
5 AN UNDULY DELAY IN THE PROGRESS OF A PROJECT.

6 (III) DUPLICATIVE, UNDISCLOSED OR EXORBITANT FEES
7 ASSESSED AS A RESULT OF A CODE ENFORCEMENT ACTION.

8 (IV) AN INTERPRETATION OF THE UNIFORM CONSTRUCTION
9 CODE WHICH DEMONSTRATES PROFESSIONAL INCOMPETENCE OR
10 DIFFERS FROM STANDARD PRACTICE, INCLUDING THE
11 ESTABLISHMENT OF A DIFFERENT REQUIREMENT AFTER PLAN
12 APPROVAL.

13 (V) A VIOLATION OF 34 PA. CODE § 401.14 (RELATING TO
14 DECERTIFICATION OR REFUSAL TO CERTIFY).

15 (2) AFTER REVIEWING A COMPLAINT AS SPECIFIED UNDER
16 PARAGRAPH (1), THE DEPARTMENT SHALL HAVE THE FOLLOWING
17 DUTIES:

18 (I) NOTIFYING THE MUNICIPALITY WHERE THE CODE
19 ADMINISTRATOR SUBJECT TO THE COMPLAINT IS BEING UTILIZED
20 AS TO THE EXISTENCE OF THE COMPLAINT AND RECOMMENDING
21 REMEDIAL ACTIONS THAT THE DEPARTMENT DETERMINES TO BE
22 NECESSARY TO CORRECT DEFICIENCIES.

23 (II) NOTIFYING THE CODE ADMINISTRATOR WHO IS THE
24 SUBJECT OF THE COMPLAINT.

25 (III) INVESTIGATING THE COMPLAINT.

26 (3) THE SECRETARY MAY ISSUE AN ORDER TO A MUNICIPALITY
27 TO ALLOW A BUILDING PERMIT HOLDER WHO SUBMITTED A COMPLAINT
28 UNDER THIS SUBSECTION TO UTILIZE ANOTHER THIRD-PARTY AGENCY
29 OF THE BUILDING PERMIT HOLDER'S CHOICE FOR ANY REMAINING CODE
30 ENFORCEMENT ACTIONS NECESSARY TO UTILIZE A PROJECT. THE ORDER

1 MAY ALSO INCLUDE A PROVISION TO ALLOW THE BUILDING PERMIT
2 HOLDER TO PERMANENTLY UTILIZE A THIRD-PARTY AGENCY OF THE
3 PERMIT HOLDER'S CHOICE FOR FUTURE PROJECTS IN THE
4 MUNICIPALITY IF THE SECRETARY DEEMS THAT IT IS POSSIBLE THAT
5 THE BUILDING PERMIT HOLDER WILL BE RETALIATED AGAINST FOR
6 FILING A COMPLAINT TO THE DEPARTMENT BY A CODE ADMINISTRATOR.

7 (4) IF A BUILDING PERMIT APPLICANT MAKES A COMPLAINT TO
8 THE DEPARTMENT CONCERNING A THIRD-PARTY AGENCY OR CODE
9 ADMINISTRATOR, THE DEPARTMENT MAY NOT DISCLOSE THE IDENTITY
10 OF THE BUILDING PERMIT HOLDER'S COMPLAINT WITHOUT THE
11 BUILDING PERMIT HOLDER'S CONSENT UNLESS DISCLOSURE IS
12 UNAVOIDABLE AS A RESULT OF AN INVESTIGATION OF A CODE
13 ADMINISTRATOR UNDER THIS SUBSECTION.

14 (5) A CODE ADMINISTRATOR MAY NOT DISCRIMINATE, THREATEN,
15 COERCE OR OTHERWISE RETALIATE AGAINST A BUILDING PERMIT
16 APPLICANT WHO FILES A COMPLAINT UNDER THIS SUBSECTION. A
17 PERSON WHO ALLEGES A VIOLATION OF THIS PARAGRAPH MAY BRING A
18 CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION FOR
19 APPROPRIATE INJUNCTIVE RELIEF OR DAMAGES WITHIN 180 DAYS OF
20 OCCURRENCE OF THE ALLEGED VIOLATION.

21 * * *

22 Section 2 3. The department may issue regulations to <--
23 establish or clarify procedures necessary to effectuate the
24 intent of this act.

25 Section 3 4. This act shall take effect in 60 days. <--

Resolution 8

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 646 Session of
2017INTRODUCED BY KILLION, FONTANA, GREENLEAF, MENSCH, RAFFERTY,
YAW, YUDICHAK, SCHWANK AND WAGNER, APRIL 20, 2017AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 29, 2017

AN ACT

1 Amending the act of July 28, 1988 (P.L.556, No.101), entitled
2 "An act providing for planning for the processing and
3 disposal of municipal waste; requiring counties to submit
4 plans for municipal waste management systems within their
5 boundaries; authorizing grants to counties and municipalities
6 for planning, resource recovery and recycling; imposing and
7 collecting fees; establishing certain rights for host
8 municipalities; requiring municipalities to implement
9 recycling programs; requiring Commonwealth agencies to
10 procure recycled materials; imposing duties; granting powers
11 to counties and municipalities; authorizing the Environmental
12 Quality Board to adopt regulations; authorizing the
13 Department of Environmental Resources to implement this act;
14 providing remedies; prescribing penalties; establishing a
15 fund; and making repeals," in recycling fee, further
16 providing for recycling fee for municipal waste landfills and
17 resource recovery facilities and for Recycling Fund.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Sections 701(d) and 706(d) of the act of July 28,
21 1988 (P.L.556, No.101), known as the Municipal Waste Planning,
22 Recycling and Waste Reduction Act, are ~~repealed~~ AMENDED TO READ: <--
23 Section 701. Recycling fee for municipal waste landfills and
24 resource recovery facilities.

Resolution #8-2017

Submitted by: PML Legislative Committee

Permanent Authorization of Recycling Fund Tipping Fee

Whereas, Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, establishes a \$2 per ton tipping fee on solid waste deposited in landfills and resource recovery facilities; and

Whereas, the revenue collected from the fee, approximately \$38 million annually, is deposited in the Recycling Fund in the State Treasury; and

Whereas, the money in the Recycling Fund is awarded to grantees to help finance municipal recycling programs, as well as support planning and environmental protection programs, subsidize state programs for market development, public education, technical assistance and grant administration; and

Whereas, currently under Act 101 the tipping fee is set to expire on January 1, 2020; and

Whereas, a permanent authorization of the fee would eliminate the need for the General Assembly to continually re-visit the fee every few years; and

Whereas, a permanent authorization would protect and preserve important support for municipal, county and state recycling programs in Pennsylvania.

Therefore, be it resolved: the Pennsylvania Municipal League supports a permanent authorization of the per ton tipping fee for recycling programs.

Be it further resolved: the Pennsylvania Municipal League supports the exclusive use the Recycling Fund revenue to support recycling efforts.

This resolution supports permanent authorization of the per ton tipping fee for recycling, as well as exclusive use of the Recycling Fund revenue for recycling efforts.

1 * * *

2 +(d) Sunset for fee.--No fee shall be imposed under this <--
3 section on and after January 1, ~~2020.~~ [2020.] 2021. <--
4 Section 706. Recycling Fund.

5 * * *

6 [(d) Transfer.--On the first day of the 27th year after the
7 fee imposed by section 701 becomes effective, all moneys in the
8 Recycling Fund that are not obligated shall be transferred to
9 the Solid Waste Abatement Fund and expended in the same manner
10 as other moneys in the Solid Waste Abatement Fund. On the first
11 day of the 30th year after the fee imposed by section 701
12 becomes effective, all moneys in the Recycling Fund that are not
13 expended shall be transferred to the Solid Waste Abatement Fund
14 and expended in the same manner as other moneys in the Solid
15 Waste Abatement Fund.]

16 * * *

17 Section 2. This act shall take effect in 60 days.

Resolution 9

Resolution #9-2017

Submitted by: PML Legislative Committee

Municipal Fees

Whereas, revenue to fund municipal services is generated from two main sources – the Real Property Tax and the Earned Income Tax; and

Whereas, local municipal officials do not have authority to levy taxes not authorized by the General Assembly; and

Whereas, many communities are host to properties that are tax-exempt thereby reducing the amount of revenue available to pay for services provided to all property owners and placing an additional burden on taxable property; and

Whereas, municipal fees are becoming more and more popular as a way to cover the costs of providing a particular municipal service or program; and

Whereas, fees can be assessed on all properties, individuals or entities benefiting from or impacted by a particular service, such as storm water management, garbage and recycling collection, and rental inspections.

Therefore, be it resolved: the Pennsylvania Municipal League supports the continued and locally determined use of municipal fees as an alternative method to taxes to pay for municipal services.

Be it further resolved: the Pennsylvania Municipal League supports the concept that fees collected for a particular service should be consistent with the actual cost of providing and administering that service. In other words, a fee should not generate revenue above the cost of the program or service it is implemented to fund.

This resolution supports the use of municipal fees to pay for services. It also affirms that a fee should cover the cost of providing a particular service, not generate revenue.

Resolution 10

Resolution #10-2017

Submitted by: PML Legislative Committee

Preservation of Local Zoning Authority

Whereas, municipal zoning authority in Pennsylvania is granted by the Pennsylvania Municipalities Planning Code; and

Whereas, zoning is a means by which a municipality protects the health, safety and welfare of its residents and their property by regulating the use of land and buildings; and

Whereas, zoning also guides growth by regulating the extent and character of development; and

Whereas, the use of zoning has evolved over the years from just a tool to protect property owners' rights to a tool to help preserve the natural and historic features of a municipality creating more livable and sustainable communities; and

Whereas, the key to successful zoning is the ability for each municipality to determine its own land use regulations through a comprehensive plan and regulatory scheme; and

Whereas, legislation seeking to pre-empt municipal zoning power by enacting uniform regulations destroys the very premise of local zoning by taking decision making out of the control of local officials and placing it at a state or federal level.

Therefore, be it resolved: the Pennsylvania Municipal League opposes statewide, uniform zoning regulation that pre-empts local control and decision making.

This resolution supports keeping zoning decisions at a local level and opposing any state or federal pre-emption that would take local decision making out of the hands of local municipal officials.

Resolution 11

Resolution #11-2017

Submitted by: PML Legislative Committee

Nutrient Reduction Programs

Whereas, Senate Bill 799 of 2017 establishes a statewide nutrient reduction credit procurement program to reduce the levels of nitrogen and phosphorus in the Chesapeake Bay Watershed; and

Whereas, all municipalities and public storm water authorities that discharge nitrogen and phosphorus into the waters of the Commonwealth would be mandated to participate by paying DEP \$50 million a year for 10 years to raise in the aggregate \$500 million for the program; and

Whereas, in return, DEP is required to transfer responsibility from municipalities and authorities for their Chesapeake Bay and the MS4 storm water nutrient reduction mandates to the credit procurement program; and

Whereas, the \$500 million will be used to pay vendors who procure competitively bid contracts to provide a process or facility that will generate credits toward the necessary nutrient reductions held by DEP; and

Whereas, municipalities and their residents in the Chesapeake Bay Watershed have already made significant financial investments to meet mandated reduction requirements; and

Whereas, MS4 storm water mandated communities are required to provide DEP with their storm water management plans in September 2017, indicating additional local investment and compliance decisions have already been made including the costs of developing a plan; and

Whereas, there are a number of low tech and cost effective approaches being used throughout the Chesapeake Bay Watershed that should be replicated as best management practices before starting a new program.

Therefore, be it resolved: the Pennsylvania Municipal League opposes any statewide nutrient reduction plan that would benefit only one area of the Commonwealth.

Be it further resolved: the Pennsylvania Municipal League opposes the creation of new nutrient reduction programs that require new or additional municipal investment or that will be used to underwrite private interests.

This resolution opposes nutrient reduction programs that require statewide municipal investment for one watershed. This resolution also opposes mandated municipal investment to support private interests.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 799 Session of
2017

INTRODUCED BY ALLOWAY, BARTOLOTTA AND RESCHENTHALER,
JUNE 23, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 23, 2017

AN ACT

1 Establishing the Pennsylvania Clean Water Procurement Program;
2 providing for powers and duties of the State Conservation
3 Commission; and establishing the Watershed Improvement Fund.

4 The General Assembly of the Commonwealth of Pennsylvania

5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Clean Water Procurement Program Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Authority." The Pennsylvania Infrastructure Investment
14 Authority.

15 "BMP." Pennsylvania Stormwater Best Management Practices
16 Manual.

17 "Commission." The State Conservation Commission.

18 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Entity." An entity that generates and sells certified
3 nutrient credits.

4 "Fund." The Watershed Improvement Fund established under
5 section 5.

6 "Local environmental benefits." Environmental benefits that
7 can be directly measured and quantified or modeled, including,
8 but not limited to, carbon reductions, pathogens, nutrients and
9 sediment to local freshwater and drinking water resources.

10 "Nutrient pollutant." Nitrogen or phosphorous.

11 "Permittee." A municipality or public storm water authority
12 that discharges or releases a TMDL nutrient to surface or ground
13 waters of this Commonwealth. The term does not include a person
14 engaged in agricultural production as defined in section 3 of
15 the act of June 30, 1981 (P.L.128, No.43), known as the
16 Agricultural Area Security Law.

17 "Program." The Pennsylvania Clean Water Procurement Program
18 established under section 3.

19 "Request for proposal" or "RFP." A request for proposal
20 which defines contract terms, future delivery dates and
21 technical specifications issued by the authority in conjunction
22 with the department to procure verified TMDL nutrient credits
23 from a certified load reduction activity that meets the
24 requirements of any applicable offset program in force regarding
25 the Chesapeake Bay.

26 "Sediment." Soils or other erodible materials transported by
27 storm water as a product of erosion.

28 "TMDL." Total maximum daily load.

29 "TMDL nutrient pollutant." A nutrient pollutant that has
30 been identified as a cause of nonattainment of water quality

1 standards and for which a TMDL has been developed to set
2 allowable annual loading targets.

3 "Transfer payment." Payment required of each permittee under
4 section 4.

5 "Unmet nutrient pollutant TMDL." Total outstanding Federal
6 requirements going forward three years.

7 "Verified TMDL nutrient credit." A unit of TMDL nutrient
8 pollutant load reduction achieved through department
9 verification of a certified reduction activity based upon an
10 approved verification plan, including modeled BMP reductions
11 with approved uncertainty factors as defined by the United
12 States Environmental Protection Agency.

13 "Water year." The 12-month period beginning October 1 of
14 each calendar year.

15 Section 3. Pennsylvania Clean Water Procurement Program.

16 (a) Establishment.--The Pennsylvania Clean Water Procurement
17 Program is established and shall provide for the purchase of
18 verified TMDL nutrient credits from certified nutrient credit
19 generators through a competitive bidding process consistent with
20 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) and
21 any other competitive process determined to be appropriate by
22 the department and the commission.

23 (b) Powers and duties.--The commission shall administer the
24 program and take any action necessary to effectuate the purposes
25 of this act.

26 (c) Contracts with verified TMDL nutrient credit sellers.--

27 (1) The following shall apply:

28 (i) The commission shall, beginning with the water
29 year in which this subsection takes effect and the
30 following two water years, publish a notice of the unmet

1 nutrient pollutant TMDL requirements in the Pennsylvania
2 Bulletin.

3 (ii) No later than 60 days following publication of
4 the notice under subparagraph (i), the authority shall
5 issue, in consultation with the department, a request for
6 proposals from certified nutrient credit entities under
7 62 Pa.C.S. Pt. I for the supply of long-term verified
8 TMDL nutrient credits for future delivery in order to
9 fulfill the unmet Federal Chesapeake Bay TMDL parameter
10 requirement for those water years included in the notice.

11 (iii) An RFP under subparagraph (ii) shall be for a
12 minimum term of 10 years and shall allow sufficient time
13 for the delivery of verified reductions of TMDL
14 parameters consistent with the time frame necessary for
15 the permitting and development of public or private
16 credit generator facilities.

17 (2) Factors to be considered as part of the criteria for
18 evaluation of responses received to an RFP and the weighted
19 percentage to be applied to each factor shall be included by
20 the commission in temporary regulations published under
21 section 6 and in final regulations and shall include:

22 (i) Environmental and recreational benefits to this
23 Commonwealth and local communities resulting from the
24 TMDL nutrient pollutant reduction activities, including
25 verified and modeled green infrastructure benefits and
26 other TMDL parameter reductions to freshwater resources
27 of this Commonwealth and the applicable major watershed.

28 (ii) Additional criteria determined relevant by the
29 commission.

30 (3) The award granted for an RFP shall determine the

1 adjusted cost of verified TMDL nutrient credits less the
2 value of the local environmental benefit or green
3 infrastructure reductions.

4 (4) The authority will allocate the cost consistent with
5 the revenue source adopted under this act based on each
6 permittee's percentage of the total nutrient reduction
7 mandate sufficient to cover the cost of the program.

8 Section 4. Replacement of sector allocation with competitive
9 bidding program.

10 (a) General rule.--The department shall transfer the
11 nutrient reduction mandates of a permittee to a competitive
12 bidding program to enable all certified nutrient credit entities
13 that can generate verified TMDL nutrient credits to participate
14 in an RFP on a voluntary basis.

15 (b) Transfer payment.--In return for being absolved from the
16 TMDL nutrient reduction mandate, the aggregate number of
17 permittees shall pay into the program \$50,000,000 annually for
18 10 years subject to subsection (c).

19 (c) Payment amounts.--Payment amounts under subsection (b)
20 shall be adjusted annually based on the cost determination made
21 under section 3(c)(2) and (4) as published in the Pennsylvania
22 Bulletin.

23 (d) Payment in arrears.--Consistent with 62 Pa.C.S. Pt. I
24 (relating to Commonwealth Procurement Code), Federal policy
25 recommendations regarding the procurement of results in lieu of
26 funding solutions and any applicable State statute, payments to
27 entities will be made after the department has verified the
28 nutrient pollutant reductions. These verifications will be
29 performed monthly based upon required data submissions from
30 nutrient credit generators certified by the department.

1 (e) Certainty.--Upon transfer of the nutrient reduction
2 mandates under subsection (a), a permittee shall have no ongoing
3 liability for the mandated nutrient pollutant reductions.

4 (f) Risk factor reduction.--The department shall attempt to
5 reduce risk factors imbedded in legacy policy issues that cannot
6 be otherwise mitigated and do not represent environmental
7 backsliding by modifying policies consistent with the
8 requirements of private sector financing requirements.

9 (g) Offset.--Verified TMDL nutrient credits obtained under
10 subsection (a) shall be deemed by the department to satisfy
11 applicable wastewater and storm water TMDL nutrient pollutant
12 permitting requirements.

13 Section 5. Watershed Improvement Fund.

14 (a) Establishment.--The Watershed Improvement Fund is
15 established within the authority as a special fund.

16 (b) Deposits.--The following shall be deposited into the
17 fund:

18 (1) Any appropriation made to the fund.

19 (2) Transfer payments from permittees in accordance with
20 section 4.

21 (c) Use.--The following shall apply:

22 (1) Money in the fund shall be used by the commission
23 for the purchase of verified TMDL nutrient credits under
24 section 3.

25 (2) Winning bids will offer 20% of total nutrient
26 reduction allotment to be available for participation for 30
27 days by small sources that did not participate in the bidding
28 process so that a small producer who installs a BMP can
29 subscribe to sell their credits into this pool and receive
30 the winning bid price absent the need to participate in the

1 bidding process.

2 Section 6. Regulations.

3 The commission may promulgate regulations to carry out the
4 provisions of this act.

5 Section 7. Effective date.

6 This act shall take effect in 30 days.

Resolution 12

Resolution #12-2017

Submitted by: PML Legislative Committee

Preservation of Assessment Appeals by Local Taxing Jurisdictions

Whereas, local taxing districts are authorized in Pennsylvania statute (53 Pa. C.S.A. 8855) to appeal any assessment in the same manner and under the same procedure as a taxable person would appeal an assessment; and

Whereas, this authority is a necessary tool for local taxing districts to counteract the negative impact of overdue or irregular countywide reassessments; and

Whereas, in counties where regular reassessments are not occurring, real property taxpayers are burdened with higher taxes in order to cover services to under-assessed properties; and

Whereas, House Bill 1213 of 2017 places limits on assessment appeals has been introduced in the General Assembly; and

Whereas, such legislation would prohibit a taxing body from appealing an assessment based on the purchase or sale of the property; the purchase of a partial or total interest in the property; the financing or refinancing of the property or investments made in the property; and

Whereas, the right to appeal an assessment would be limited to appeals of assessments created during a countywide reassessment and filed by a date certain; appeals when a parcel of land is divided and conveyed in smaller parcels; or appeals when there is a change in the productive use of a parcel; and

Whereas, the Pennsylvania Municipal League supports regular countywide reassessment as a solution to local taxing jurisdictions needing to use the appeals process.

Therefore, be it resolved: the Pennsylvania Municipal League does not support prohibitions or limitations on the current authority of local taxing jurisdictions to use assessment appeals to address discrepancies in real property assessments.

This resolution supports preservation of the current authority of local taxing jurisdictions to appeal real property assessments.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1213 Session of
2017

INTRODUCED BY KAMPF, GODSHALL, MCGINNIS, NEILSON, RYAN,
ZIMMERMAN, BENNINGHOFF, WHEELAND, MUSTIO, COX AND TURZAI,
APRIL 19, 2017

REFERRED TO COMMITTEE ON COMMERCE, APRIL 19, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in consolidated county assessment,
3 further providing for short title and scope of chapter and
4 for appeals by taxing districts and providing for standards
5 of redress in appeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 8801(b)(2) and 8855 of Title 53 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 8801. Short title and scope of chapter.

11 * * *

12 (b) Scope.--

13 * * *

14 (2) In addition to the applicability under paragraph
15 (1), the following provisions apply to counties of the first
16 and second class:

17 (i) Section 8811(b)(5) (relating to subjects of
18 local taxation).

19 (ii) Section 8842(b)(2) (relating to valuation of

1 property).

2 (iii) Section 8855 (relating to appeals by taxing
3 districts).

4 (iv) Section 8855.1 (relating to standards of
5 redress in appeals).

6 § 8855. Appeals by taxing districts.

7 (a) General rule.--Subject to the provisions of subsection
8 (b), the following shall apply:

9 (1) A taxing district shall have the right to appeal any
10 assessment within its jurisdiction in the same manner,
11 subject to the same procedure and with like effect as if the
12 appeal were taken by a taxable person with respect to the
13 assessment, and, in addition, may take an appeal from any
14 decision of the board or court of common pleas as though it
15 had been a party to the proceedings before the board or court
16 even though it was not a party in fact.

17 (2) A taxing district [authority] may intervene in any
18 appeal by a taxable person under section 8854 (relating to
19 appeals to court) as a matter of right.

20 (b) Basis of appeals.--

21 (1) A taxing district may not appeal the assessment of
22 property based on the following:

23 (i) purchase or sale of the property;

24 (ii) purchase or sale of a partial or total interest
25 in the entity holding legal title to the property;

26 (iii) financing or refinancing of the property; or

27 (iv) investments in the property as follows:

28 (A) investments that affect the safety elements
29 of the property, including, but not limited to,
30 operating, lighting, alarm and suppression systems

1 and devices related to fire and security; or
2 (B) investments as required by fair housing or
3 disability laws and regulations.

4 (2) A taxing district has the right to appeal an
5 assessment under section 8855.1 (relating to standards of
6 redress in appeals) only when one or more of the following
7 are met:

8 (i) the appeal is from an assessment created during
9 a countywide reassessment and the appeal is filed by
10 September 1 or the annual appeal date provided by the
11 county commissioners under section 8844(c)(3) (relating
12 to notices, appeals and certification of values) of the
13 taxable year following the year for which the newly
14 established values from the countywide reassessment shall
15 take effect;

16 (ii) a parcel of land is divided and conveyed in
17 smaller parcels; or

18 (iii) a change has occurred in the productive use of
19 the property or parcel by material alteration in the
20 nature of the use or through alteration or additions that
21 modify the use of the property or parcel.

22 (3) A taxable person shall have the right at any stage
23 of the proceedings to request the dismissal, and the
24 applicable court shall order dismissal of an appeal taken by
25 a taxing district in violation of paragraphs (1) or (2).

26 (4) If an affected taxable person appeals an assessment
27 of property that was granted a preferential assessment under
28 the act of December 19, 1974 (P.L.973, No.319), known as the
29 Pennsylvania Farmland and Forest Land Assessment Act of 1974,
30 the affected taxable person shall not be required to amend

1 the initial application or reapply for the same preferential
2 assessment based solely on the appeal.

3 (5) (i) A taxable person shall have the right to appeal
4 an increased assessment that occurred as a result of an
5 appeal brought by a taxing district prior to the
6 enactment of this subsection and after the date of the
7 most recent applicable countywide reassessment.

8 (ii) No affected taxable person shall have the right
9 to appeal an increased assessment if the appeal that was
10 brought by the taxing district would have been consistent
11 with paragraph (2).

12 (iii) If an affected taxable person has the right to
13 bring an appeal under this section, the affected taxable
14 person shall have the right to have the assessed value of
15 the property changed to the assessed value in effect
16 immediately prior to the appeal brought by the taxing
17 district.

18 (iv) The affected taxable person shall not be
19 entitled to a refund of taxes paid for an appeal that has
20 been finally adjudicated as of the effective date of this
21 subsection.

22 (6) This subsection shall apply to appeals brought by a
23 taxing district that have not been finally adjudicated as of
24 the effective date of this subsection.

25 Section 2. Title 53 is amended by adding a section to read:

26 § 8855.1. Standards of redress in appeals.

27 (a) General rule.--In an appeal brought before a board of
28 assessment or court of this Commonwealth, the taxing district
29 seeking to increase the assessment shall have the burden to
30 prove that the proposed assessment is not inconsistent with the

1 requirements of section 1 of Article VIII of the Constitution of
2 Pennsylvania.

3 (b) Constitutionality.--In determining if a proposed
4 assessment would violate the requirements of section 1 of
5 Article VIII of the Constitution of Pennsylvania, a taxable
6 person or a taxing district may offer into evidence the assessed
7 value of the property and need not introduce an appraisal of the
8 property. An assessment shall be deemed to comply with section 1
9 of Article VIII of the Constitution of Pennsylvania if the
10 assessed value is the lesser of either:

11 (1) the amount provided by section 8844(e)(2) (relating
12 to notices, appeals and certification of values); or

13 (2) an amount reasonably consistent with the assessed
14 values of similar properties located in the same neighborhood
15 or local community.

16 (c) Applicability.--This section shall apply to appeals that
17 have not been finally adjudicated as of the effective date of
18 this section.

19 Section 3. The provisions of this act are severable. If any
20 provision of this act or its application to any person or
21 circumstance is held invalid, the invalidity shall not affect
22 other provisions or applications of this act which can be given
23 effect without the invalid provision or application.

24 Section 4. This act shall take effect in 60 days.

