PA Municipal League

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Resolution #1-2019 – ADOPTED

Adoption of NLC’s 2019 National Municipal Policy and Advocacy Priorities

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

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

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

Whereas, NLC in its 2019 Advocacy Priorities is asking Congress and the Administration to work in partnership with local government to maximize support for programs vital to municipalities across America.

Therefore, be it resolved: the League reaffirms as its basic federal policy the 2019 National Municipal Policy Statement of the National League of Cities.

Be it further resolved: the League reaffirms as its 2019 federal agenda, NLC’s 2019 Advocacy Priorities:

Rebuild and Reimagine America’s Infrastructure: Guiding Principles:
- Transforming Transportation
- Preparing a Skilled Workforce
- Improving Broadband Access
- Ensuring Clean and Safe Water
- Supporting Community Resilience
- Investing in Infrastructure

This resolution adopts NLC’s 2019 National Municipal Policy Statement, as well as its 2019 Advocacy Priorities.
Resolution #2-2019 – ADOPTED AS AMENDED
Post-Traumatic Stress Injury in First Responders

Whereas, the ability of first responders to cope with the day to day stress of their jobs, as well as the extra-ordinary and traumatic events they experience is a growing concern for all; and

Whereas, post-traumatic stress among first responders is now recognized as a common ailment by the emergency management and mental health communities; and

Whereas, providing first responders with the tools and support needed to proactively and regularly address stress related symptoms is critical to properly managing that stress; and

Whereas, legislation (House Bill 1459 of 2019) has been introduced to provide statewide support and awareness of post-traumatic stress injury; and

Whereas, such legislation institutes a coordinated approach -- sharing best practices, ensuring valuable resources are available and not duplicated, providing a critical incident stress management program and peer to peer support; and

Whereas, legislation has also been introduced (House Bill 432 of 2019) to define post-traumatic stress injury within the Workers’ Compensation system as an occupational disease presumed to have been caused by employment as a first responder; and

Whereas, relief for post-traumatic stress injury within the Workers’ Compensation system is currently available to first responders, but is difficult to prove; and

Whereas, a presumption shifts the burden to the employer to prove the injury is the result of some other activity outside of first responder activities; and

Whereas, this presumption makes the injury uninsurable and cost-prohibitive from an underwriting standpoint.

Therefore, be it resolved: the League supports efforts to address post-traumatic stress injury in first responders including legislation and funding to proactively manage stress from a coordinated and preventative care model.

Be it further resolved: the League opposes legislation that adds post-traumatic stress injury to the Workers’ Compensation Act as an occupational disease as the resulting costs to employers will be more harmful than helpful to the first responder community.

Be it further resolved: the League will work with the General Assembly and stakeholders in an effort to find a commonsense solution that balances compensation for post-traumatic stress injury with the cost of proving the benefit.

This resolution supports efforts to address post-traumatic stress injury (PTSI) in first responders from a proactive, coordinated, statewide approach rather than by defining PTSI as an occupational disease under Workers’ Compensation and giving a presumption that the injury was caused by the emergency services work.
Resolution #3-2019 – ADOPTED

Senate Resolution 6: Provision of Emergency Services

Whereas, Senate Resolution 6, adopted in April 2017, directed a Commission of revisit the work of the 2005 Senate Resolution 60 Commission; and

Whereas, Senate Resolution 6 charged a 39-member Commission with taking a comprehensive look at the crisis facing fire and emergency services which ultimately impacts the provision of public safety services in the Commonwealth; and

Whereas, the Commission met over the course of 2018 to define the crisis and develop solutions; and

Whereas, the goal of the Commission and its final report was to set the stage for the development of legislation to address the many issues and recommendations included in the report; and

Whereas, the Commission’s report was released in late 2018 setting forth 27 recommendations which included among others:

- revamping and expanding the Office of Fire Commissioner;
- offering volunteers post-secondary education credits and loan forgiveness;
- expanding recruitment and retention efforts;
- simplifying regionalization;
- establishing basic levels of training;
- expanding on-line training;
- offering tax credits to employers who support employees who are volunteers;
- closing loopholes in the Foreign Fire Insurance Tax.

Therefore, be it resolved: the League supports the final Senate Resolution 6 Report and will evaluate the resulting legislation on a case by case basis with a goal of supporting passage of the legislation whenever possible.

This resolution supports the Senate Resolution 6 Commission Report.
Resolution #4-2019 – ADOPTED

Firearm Regulation

Whereas, the League adopted a five-point policy in 2007 supporting common-sense firearm regulation (League Policy Statement page 18); and

Whereas, all five-points continue to be valid, active policy positions as incidents of gun violence have continued unabated; and

Whereas, some municipalities have chosen to implement their own local firearm regulations because the Commonwealth has not addressed the issue on a state level; and

Whereas, local action has prompted state legislation (Senate Bill 531 of 2019) that punishes municipalities for enacting local regulations by giving third-parties standing to sue; and

Whereas, the list of innocent victims across our nation killed by gun violence grows monthly, if not weekly; and

Whereas, this ongoing violence begs for state or federal action to implement barriers to firearm possession when a person is a threat to himself or others and when a person illegally purchases or possesses firearms.

Therefore, be it resolved: the League opposes legislation punishing municipalities for enacting local firearm regulations in the absence of state laws.

Be it further resolved: the League supports the enactment of a state or federal extreme risk protection order law that will allow for a temporary court ordered removal of firearms from the possession of a person exhibiting warning signs that he is a threat to himself or others.

Be it further resolved: the League supports the enactment of state or federal universal background checks closing the loophole that allows purchases from unlicensed sellers to be made without a background check to be ensure the purchase is legal.

This resolution supports the addition of three points to the League’s existing five-point commonsense policy on firearm regulation – opposing legislation that punishes municipalities for enacting local firearm regulations, supporting legislation requiring universal background checks, and supporting legislation implementing an extreme risk protection order law.
Resolution #5-2019 – ADOPTED
Repeal of Pennsylvania’s Separations Act

Whereas, Pennsylvania’s Separations Act was enacted in 1913; and

Whereas, the Act requires public entities to bid and award separate contracts for general construction, plumbing, heating and ventilating, and electrical work when engaging in a public building construction project over $4,000; and

Whereas, the requirement to award separate contracts and coordinate separate contractors is an antiquated and costly mandate often resulting in construction delays and a lack of centralized management; and

Whereas, private sector construction is not held to this mandate; and

Whereas, Pennsylvania is one of only a few states still operating under a separations mandate.

Whereas, legislation (House Bill 163 of 2019) to repeal the Separations Act has been introduced and has passed out of committee.

Therefore, be it resolved: the League supports repeal of the Separations Act thereby allowing all aspects of a public construction project to be bid under one prime contractor.

This resolution supports repeal of the Pennsylvania Separations Act.
Resolution #6-2019 – ADOPTED

Local Tax Collection Options

Whereas, options and flexibility at the local level are primary tenets of local government autonomy; and

Whereas, options allow each local government to make choices that enhance efficiencies; and

Whereas, current local tax collection laws established in the 1940’s may not be the most efficient methods today; and

Whereas, giving local governing bodies the option to choose other methods of tax collection may better serve the local taxing authority, as well as taxpayers; and

Whereas, malfeasance in the office of local elected tax collector or the inability to identify a person to run for the elected position are additional reasons to allow the option to utilize an alternative method of collection; and

Whereas, legislation (Senate Bill 82 of 2019) offering alternatives has been introduced on a limited basis for third class counties and their municipalities, with the exception of third class cities; and

Whereas, these alternatives include collection by: the county treasurer, a private agency, or a public employee of a municipality; and

Whereas, a local ordinance must be enacted by the governing body eliminating the office of elected tax collector and appointing an alternative collection method.

Therefore, be it resolved: the League supports the local option for all forms of local government to eliminate the office of elected tax collector and appoint an alternative method of collection.

Be it further resolved: the League supports this option being available to all local governments, not just those in a Third Class County.

This resolution supports the local option for all forms of local government to eliminate the office of elected tax collector and appoint an alternative method for collection, such as a county treasurer, a private agency or a municipal employee.
Resolution #7-2019 – ADOPTED

Mandated Elimination of Local Tax Liability

Whereas, the local taxation structure is archaic and no longer meeting the needs of local government; and

Whereas, a menu of local taxing options offering revenue sources that match the demographics of individual municipalities or regions is not available; and

Whereas, legislation mandating that local governments freeze or eliminate the current tax liabilities of specific taxpayers is introduced periodically; and

Whereas, this legislation does not provide an alternate dollar for dollar tax to replace lost revenue.

Therefore, be it resolved: the League opposes legislation mandating the elimination of any current taxing authority without providing an alternate and equal revenue source to replace lost revenue.

This resolution opposes mandated elimination of local taxes without providing an alternate tax of equal value.
Resolution #8-2019 – ADOPTED

Beverage Container Deposit Recycling Program

Whereas, ten states have operated successful beverage container deposit recycling programs for decades; and

Whereas, such programs charge a deposit fee on containers at the point of sale that is returned to the consumer when the clean, empty containers are returned to the retailer; and

Whereas, beverage container deposit programs are successful by incentivizing the participation of retailers, distributors and consumers; and

Whereas, these programs achieve three main objectives: capturing large percentages of specific, targeted material; insuring it is high-quality, clean material; and dramatically reducing litter; and

Whereas, these program address recycling of beverage containers away from consumers’ homes when containers are more likely to end up in the waste stream or as litter; and

Whereas, the market for recyclable goods has decreased dramatically since China’s ban on certain materials; and

Whereas, the loss of a market for recyclables has had a significant impact on the Commonwealth’s mandated and voluntary recycling efforts resulting in increased costs for municipalities and items going directly into landfills or waste-to-energy facilities; and

Whereas, a container deposit program in Pennsylvania has the potential to alleviate contamination issues that cause bulk recyclables to be unacceptable; and

Whereas, our Commonwealth should not allow market fluctuations to cause it to lose ground on the recycling strides it has made over many years; and

Whereas, legislation (Senate Bill 795 and House Bill 1322 of 2019) has been introduced to establish a Beverage Container Recycling Program in Pennsylvania in an effort to supplement curbside recycling and reduce litter.

Therefore, be it resolved: the League supports the implementation of a statewide beverage container deposit program as a supplement to current mandated curbside and voluntary programs.

This resolution supports the implementation of a Beverage Container Deposit Recycling Program to supplement curbside recycling and reduce litter.
Resolution #9-2019 – ADOPTED

Local Regulation of E-scooters

Whereas, micro-mobility devices, such as e-scooters, offer transportation flexibility, increase access to other modes of transportation, foster innovation and provide economically-friendly use on demand; and

Whereas, the proliferation of e-scooters on municipal streets, often without warning or permission, has left municipalities with many unanswered questions and concerns; and

Whereas, municipalities need time to study the applicability of their current transportation systems to e-scooters and micro-mobility devices in general to determine how these innovations fit into their systems; and

Whereas, safety and liability issues must be fully understood and addressed accordingly before such devises are in use on municipal streets and sidewalks; and

Whereas, municipalities recognize the need to balance their concerns against the benefits of innovative transportation methods; and

Whereas, local regulation of such devices is absolutely necessary to meet the needs of individual communities; and

Whereas, legislation (House Bill 631 of 2019) should not preempt local regulation with a one-size-fits-all state law regulating the use of e-scooters or micro-mobility devices in general.

Therefore, be it resolved: the League opposes legislation that preempts local regulation and decision making concerning the use of e-scooters and other micro-mobility devices.

This resolution opposes local preemption with a state law regulating e-scooters and micro-mobility devices in general.
Resolution #10-2019 – ADOPTED

Pennsylvania Health Care Plan

Whereas, a 2013 Economic Impact Study conducted by the University of Massachusetts Economist Gerald Friedman found that Pennsylvania’s health care is on an unsustainable economic path; and

Whereas, health care costs are absorbing a growing share of personal income. According to a 2018 Commonwealth Fund study, U.S. workers and their families are spending a bigger share of their income on health care. Average employee premium contributions for single and family plans consumed nearly 7% of U.S. median income in 2017, up from 5% in 2008; and

Whereas, the same study found that for Americans whose incomes fall in the midrange of income distribution, total spending on employer plan premiums and potential out-of-pocket costs to meet deductibles amounted to 11.7% of income in 2017, up from 7.8% a decade earlier; and

Whereas, health care costs are also absorbing more and more of taxpayers’ income to help pay for government (state, county and local) and school district employee health care coverage; and

Whereas, according to a 2018 Morning Consult/Politico poll, 52% of Pennsylvanians support adopting a single-payer health care plan; and

Whereas, the Patient Protection and Affordable Care Act allows the option for states to innovate their own health care plan, as long as the plan provides equal care and is more economical and efficient; and

Whereas, the Pennsylvania Health Care Plan (the Plan) was introduced in the PA General Assembly in the 2015-2016 and 2017-2018 sessions and is expected to be introduced again in the 2019-2020 session; and

Whereas, the Plan would improve upon the current health care delivery system while preserving the private practice of medicine and the right of patients to choose their providers while reducing costs; and

Whereas, the Plan would create cost saving by: 1) eliminating co-payments, deductibles, point-of-service and network fees; 2) lowering the economic burden of high administrative costs of private health insurance plans; 3) eliminating premiums and replacing them with a 3% tax on adjusted gross income and a 10% tax on payroll; and 4) further benefiting businesses, municipalities and school districts by lowering the costs of Workers’ Compensation, vehicle insurance and liability insurance because of the removal of the medical component.

Therefore, be it resolved, the League supports and urges the PA General Assembly to enact the Pennsylvania Health Care Plan providing greater access to health care at a reduced cost to citizens, businesses, municipalities and school districts.

This resolution supports and calls for the PA General Assembly to enact a PA Healthcare Plan.
Resolution #11-2019 – ADOPTED

Storm Water Management

Whereas, storm water management is an important responsibility of government affecting water quality, floodplain management, infrastructure, public health and public safety; and

Whereas, compliance with storm water management mandates from the federal and state government are a persistent and confounding issue for local government; and

Whereas, municipalities and counties of all sizes are independently navigating a system of confusing, changing, and costly regulations; and

Whereas, more and more taxpayer dollars are directed to achieving outcomes that are expensive and elusive.

Therefore, be it resolved: the League urges the PA General Assembly and Administration to elevate the issue of storm water management to a statewide/agency wide priority.

Be it further resolved, the League urges the PA General Assembly and Administration to work with local government to develop reasonable, achievable goals; devise regional approaches to avoid duplication of resources, and develop economically viable solutions.

This resolution calls on the PA General Assembly and Administration to make storm water management at priority issue, as well as to work with local governments to develop a commonsense, effective and efficient storm water management program.
Resolution #12-2019 – ADOPTED

Autonomous Vehicles

Whereas, the technology to achieve autonomous vehicles has developed faster than society has been able to prepare; and

Whereas, government at every level must work together in order to make the best use of this new and changing technology, including developing appropriate public policy, preparing the physical infrastructure, and regulating autonomous vehicles without impeding their benefits; and

Whereas, autonomous vehicles have the potential to provide many benefits to Pennsylvanians including enhanced mobility, economically feasible service to a diverse user base; safer roads, less congested roads, and economic opportunities for businesses and municipalities; and

Whereas, local government must be a partner with the federal and state government in preparing for autonomous vehicles; and

Whereas, this partnership must include preservation of local authority, including planning authority and local rights-of-way management.

Therefore, be it resolved: the League urges the Commonwealth to partner with local government in the planning and regulation of autonomous vehicles.

Be it further resolved: the League opposes legislation or regulation that preempts local authority.

This resolution urges the Commonwealth to partner with local government in preparation for autonomous vehicles on our roadways. It also opposes efforts to preempt local government regulation of autonomous vehicles on local roads.