

## **MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Wednesday, January 24, 2018**

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The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:50 a.m. in Room 14 East Wing–Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

### **MEMBERS**

**Senator John H. Eichelberger, Jr., Chair**  
**Senator Thomas J. McGarrigle**  
**Senator Scott E. Hutchinson**  
**Senator John P. Blake**  
**Representative Kate Harper (via telephone)**  
**Representative Robert Freeman**

### **STAFF**

**Philip H. Klotz, Executive Director**  
**David A. Greene, Assistant Director-Legal Counsel**  
**Wanda Snader Dehan, Associate Legal Counsel**  
**Karen S. Bear, Secretary**

### **GUESTS**

**Lee Derr, Senator Eichelberger's Office**  
**Justin Leventry, Senator Hutchinson's Office**  
**Rob Gaertner, House Local Government Committee (R)**  
**John Fulton, House Local Government Committee (D)**  
**Lisa Schaefer, County Commissioners Association of Pennsylvania**  
**Hayden Rigo, County Commissioners Association of Pennsylvania**  
**Ed Troxell, Pennsylvania State Association of Boroughs**  
**Ron Grutza, Pennsylvania State Association of Boroughs**  
**Don O'Shell, Pennsylvania State Association of Elected County Officials**

As the first order of business, the Members discussed the minutes of the December 13, 2017, business meeting which were unanimously approved on a motion by Senator Hutchinson and a second by Representative Freeman. The financial report for the month of December 2017 was presented, and a detailed explanation was given by the Executive Director. The financial report was unanimously approved on a motion by Representative Freeman and a second by Senator Hutchinson.

Resolutions adopted at the 2017 annual convention of the County Commissioners Association of Pennsylvania (CCAP) were discussed by the Commission Members. The dispositions are as follows:

**Resolution No. 2 - CCAP supports uniformity and equity in property assessment, and to that end supports enactment of new assessment law containing certain elements, as specified. *Disposition:* Being addressed, in part, by the Commission Assessment Reform Task Force.**

**Resolution No. 3 - CCAP supports periodic reassessment for real property, but only if all of certain conditions are met, as specified. *Disposition:* Being addressed, in part, by the Commission Assessment Reform Task Force.**

**Resolution No. 18 - CCAP supports efforts to ensure that the full county hotel tax is collected for short-term rentals and room rentals made through online or other third party travel companies. *Disposition:* Already being addressed by House Bill 1810.**

**Resolutions adopted at the 2017 annual convention of the Pennsylvania State Association of Boroughs (PSAB) were discussed by the Commission Members. The dispositions are as follows:**

**Resolution No. 7 - PSAB seek legislation to amend Section 818 of the Borough Code, which would increase from 5% to 15% the threshold of registered electors required to petition the court of common pleas to reduce the size of council in boroughs with a population of 3,000 or less. *Disposition:* Staff was instructed to draft legislation for Commission consideration that would provide a petition and referendum mechanism for reducing the size of council while maintaining the current threshold for the petition.**

**Resolution No. 9 - PSAB continue to seek legislation increasing compensation schedules for elected borough officials which have not been revised to 21 years. *Disposition:* Staff was instructed to research this further not only for boroughs, but also for the other classes of municipalities and report findings to the Commission Members.**

**Resolution No. 16 - PSAB seek legislation to amend the Liquor Code that would authorize municipalities the local option of placing a question on the ballot to prohibit sales for on-premises consumption. *Disposition:* Tabled.**

**Don O'Shell, President of the Pennsylvania State Association of Elected County Officials (PSAECO), stated that the Registers' of Wills and Clerks of Orphans' Court Association of Pennsylvania endorses the passage of House Bill 1885, Printer's Number 2640, and House Bill 1886, Printer's Number 2641. House Bill 1885 would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes (Pa.C.S.) by granting the register of wills the power, but not the duty, to increase the amount of a probate bond when the register determines that a bond insufficiently protects the estate, and where estate administration is likely to proceed for some time. This legislation will help protect the heirs of certain decedents' estates. House Bill 1885 is currently in the House Judiciary Committee.**

**House Bill 1886, Printer's Number 2641, also would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pa.C.S. by requiring clerks of the orphans' court to transmit to the court of common pleas at least once per quarter a list of guardians who are delinquent in filing required annual reports on the finances and the well-being of the wards for which they are responsible. The legislation also places the burden of developing a process to review the filed reports on to the courts. The courts will have flexibility to determine how such procedures are followed, allowing counties of different sizes, with different caseloads and resources, to determine the best manner to review the reports. House Bill 1886 is currently in the House Judiciary Committee.**

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Mr. O'Shell also encouraged the passage of House Bill 388, Printer's Number 391. The Sheriff Fee Act, Act 127 of 1984, consolidated various fees that the office of sheriff had been collecting for actions in civil law as required by that office. The act was last revised in 1995 to increase the amount of money charged for these services and has not been updated since then. House Bill 388 would bring the fees collected to a modern day level and incorporate several fees that are currently in Title 18 (Crimes Code) of the Pa.C.S. and Act 2 of 1984 (Sheriff and Deputy Sheriffs Education and Training Act). The sheriffs' fees would be incorporated into a new subchapter of Title 42 (Judiciary and Judicial Procedure) of the Pa.C.S., which would make access to these figures easier to find and understand. House Bill 388 was referred to the House Judiciary Committee.

Mr. O'Shell also reported that the Sheriffs' Association of the Commonwealth of Pennsylvania endorses House Bill 466, Printer's Number 608, which would amend Title 42 of the Pa.C.S. House Bill 466 would vest sheriffs and deputy sheriffs with the same power to enforce the laws of the Commonwealth as currently possessed by municipal police officers. Currently, House Bill 466 is in the House State Government Committee. Senator Eichelberger commented that an appropriate group should conduct a broad study on the numerous law enforcement agencies in the Commonwealth, noting the differences in police powers possessed by the varying law enforcement agencies.

An update on the Commission's 2017-2018 legislative package was presented to the Members for their review. During this legislative session, the Commission has introduced 20 unique bills. The Executive Director stated that two bills introduced by the Commission were enacted and 15 bills are either on consideration or passed at least one chamber. At the conclusion of the 2015-2016 legislative session, the Commission had a 38 percent passage rate, which was greater than the previous three sessions.

As the last order of business, the Members unanimously agreed to cancel the Commission's February 14, 2018, business meeting. The next business meeting will be on March 14, 2018, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building.

The meeting adjourned at 9:25 a.m.

ATTESTED: \_\_\_\_\_  
January 26, 2018