

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, October 21, 2019

[Senate Bill 114](#) (Boscola) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to require a driver of a motor vehicle or motor carrier being operated on a street or highway of the Commonwealth to make reasonable efforts to remove accumulated ice and snow from the vehicle within 24 hours after the cessation of the falling snow or ice. A driver who violates the subsection could be stopped by a law enforcement officer if the officer believes the accumulated ice or snow could pose a threat to persons or property. A driver who violates the provisions would be subject to a fine of not less than \$25 nor more than \$75 for each offense regardless of whether any snow or ice is dislodged from the vehicle. The requirement would not apply if the driver of a motor carrier vehicle is en route to a facility to remove accumulated ice or snow at the time of the stop, or compliance would violate any other law or regulation regarding workplace safety or would be a threat to the health and safety of the driver. The legislation would also increase the existing fine for an incident that results in snow or ice falling from a moving vehicle or motor carrier vehicle and striking another vehicle or pedestrian causing death or serious bodily injury from no more than \$1,000 to no more than \$1,500 for each offense.

[Passed: 49-0.](#)

[Senate Bill 690](#) (Hutchinson) would amend Act 34 of 1953, relating to the contracts of incorporated towns, to increase from \$1,500 to \$6,000 the value of real property owned by a town that a council must advertise for sale to the highest bidder. Real estate could be sold for \$6,000 or less only after receiving an appraisal by a qualified real estate appraiser. The council would be required to make a public announcement of the intention to sell real property without advertisement or competitive bidding at a board meeting at least 30 days prior to the sale.

[Passed: 49-0.](#)

[Senate Bill 691](#) (Hutchinson) would amend the Second Class Township Code to increase from \$1,500 to \$6,000 the value of real property owned by a township that a board of supervisors must advertise for sale to the highest bidder. Real estate could be sold for \$6,000 or less only after receiving an appraisal by a qualified real estate appraiser. The board of supervisors would be required to make a public announcement of the intention to sell real property without advertisement or competitive bidding at a board meeting at least 30 days prior to the sale.

[Passed: 49-0.](#)

[Senate Bill 692](#) (Hutchinson) would amend Title 8 (Boroughs and Incorporated Towns) and Title 11 (Cities) of the Pennsylvania Consolidated Statutes to increase from \$1,500 to \$6,000 the value of real property owned by a borough or city that a council must advertise for sale to the highest bidder. Real estate could be sold for \$6,000 or less only after receiving an appraisal by a qualified real estate appraiser. A borough or city council would be required to make a public announcement of the intention to sell real property without advertisement or competitive bidding at a board meeting at least 30 days prior to the sale. [Passed: 49-0.](#)

[Senate Bill 790](#) (Scarnati) would create the Conventional Oil and Gas Wells Act to establish a separate legal framework for conventional oil and gas operations. The measure would address areas such as permitting and siting requirements, opportunity for surface owner site objections, protection of groundwater and water sources, site restoration requirements, well plugging requirements, and enforcement and funding. Among other provisions, the legislation would:

- Streamline the process for amending and adopting new regulations for the conventional oil and gas industry by removing the requirement that the Department of Environmental Protection (DEP) review regulations with the Technical Advisory Board. Under the changes, proposed regulations would be reviewed with the Grade Crude Development Advisory Board and then sent to the Environmental Hearing Board for consideration;
- Provide for well plugging, with the owner or operator required to plug a well they are abandoning unless DEP has granted inactive status or the well has been approved by DEP as an orphan well. Persons who voluntarily plug an orphan well could apply to the Commonwealth Finance Authority for a payment per well plugged from the Marcellus Legacy Fund;
- Streamline the provisions for obtaining Good Samaritan Protection for plugging orphaned and abandoned wells;
- Provide for two types of violations: a general violation and a willful violation. The Environmental Hearing Board could assess a civil penalty regardless of whether the violation was willful. A civil penalty could not exceed \$25,000 plus \$1,000 for each day during which the violation continues. Penalties would be deposited into the Orphan Well Plugging Fund;
- Appropriate \$5 million from the General Fund to DEP to meet the obligations required by the act. The Environmental Quality Board would be required to establish a permit application fee structure to support the administration of the act in addition to the appropriation from the General Fund. All permit fees collected would be appropriated to DEP to carry out the provisions of the act. A surcharge fee would be added to the permit fee for new wells. The surcharge would be paid into the Abandoned Well Plugging Fund;
- Authorize DEP to approve the spreading of produced water for dust suppression on dirt roads. Spreading would only be allowed under plans approved by DEP. No material could be spread that is not equivalent to other commercial products in use and commingling with the waters of the Commonwealth is prohibited; and
- Provide that the provisions of Title 58 (Oil and Gas) would be repealed insofar as they relate to conventional wells. In addition, all acts and parts of acts would be repealed insofar as they are inconsistent with the proposed act. All conventional oil and gas well activities already initiated would continue and remain in full force and effect and could be completed under the proposed act. **Passed: 26-23.**

[Senate Resolution 235](#) (Killion) designates the month of October 2019 as “Domestic Violence Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 236](#) (K. Ward) designates the week of October 20 through 26, 2019 as “Respiratory Care Week” in Pennsylvania and commends respiratory therapists for their outstanding contributions to health care. [Adopted by Voice Vote.](#)

[Senate Resolution 237](#) (Fontana) recognizes the month of October 2019 as “Italian-American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 238](#) (Fontana) designates the week of October 13 through 19, 2019 as “Homeless Children’s Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 239](#) (DiSanto) commemorates the 125<sup>th</sup> anniversary of The Hershey Company. [Adopted by Voice Vote.](#)

[Senate Resolution 240](#) (Tartaglione) recognizes the month of October 2019 as “National Breast Cancer Awareness Month” and October 18, 2019 as “National Mammography Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 241](#) (Tartaglione) recognizes the month of October 2019 as “National Disability Employment Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 242](#) (Argall) recognizes the month of October 2019 as “Chiropractic Health Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 243](#) (Killion) designates the month of October 2019 as “Bullying Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 244](#) (Schwank) designates October 9, 2019 “PANS/PANDAS Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 245](#) (Haywood) recognizes the week of October 20 through 26, 2019 as “Pro Bono Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 246](#) (Yudichak) designates October 5, 2019 as “Peroxisomal Disorder Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 247](#) (Martin) designates the month of October 2019 as “Down Syndrome Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 248](#) (Dinniman) recognizes the month of October 2019 as “National Principals Month” in Pennsylvania and honors the contribution of principals in the schools of our nation. [Adopted by Voice Vote.](#)

[Senate Resolution 249](#) (J. Ward) recognizes September 7, 2019 as “World Duchenne Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 250](#) (Bartolotta) designates the week of October 21 through 27, 2019 as “Business Women’s Week” in Pennsylvania. [Adopted by Voice Vote.](#)

### **Tuesday, October 22, 2019**

[Senate Bill 81](#) (Sabatina) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to raise the minimum age to marry to 18 years of age. The bill would also eliminate the exceptions based on court approval or parental consent. [Passed: 49-0.](#)

[Senate Bill 398](#) (Gordner) would amend the Regulatory Review Act to require committee chairpersons to provide copies of proposed regulations, public comments and any Independent Regulatory Review Commission (IRRC) comments to each committee member of the chairperson’s caucus within five business days of the receipt of the information. The chairpersons could distribute an electronic copy of the information in lieu of a paper copy. The statement of need or purpose for the regulation could be submitted to IRRC and the committees, but could not be submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. An additional provision would require a committee member making a comment, recommendation or objection to the proposed regulation to submit the comments to each committee chairperson. The majority chairperson could convene a meeting of the committee to adopt any comment, recommendation or objection to the proposed regulations or could conduct an informational hearing on the regulations. The majority committee chairperson would be required to conduct an informational hearing if petitioned to do so by a majority of the committee members.

At any time prior to 24 hours before the commission’s meeting to consider a regulation, a committee may notify the Commission and the agency that it disapproves or intends to further review a final-form regulation. If notified by a committee that it disapproves or intends to further review a regulation, the Commission could not approve or disapprove the regulation for a period of 30 days or until the Commission’s next scheduled meeting, whichever is longer. If the Commission is notified that a committee intends to further review a final-form regulation, the Commission could not approve or disapprove the regulation for a period of 14 days or six legislative days, whichever is longer. If the Commission approves a regulation that has been disapproved by or is being reviewed by a committee, the agency could not promulgate the regulation for 14 days or six legislative days, whichever is longer. If at the end of this period the committee has not taken action, the agency could promulgate the regulation. The legislation would also further provide for the time periods for a concurrent resolution relating to a rulemaking. [Passed: 27-22.](#)

[Senate Bill 412](#) (Stefano) would amend Article XII, Section 12 of the Pennsylvania Constitution to enable federal, state, county and municipal employees to serve as poll watchers. A proposed constitutional amendment must pass two legislative sessions and be approved by the electorate. [Passed: 47-2.](#)

[Senate Bill 413](#) (Martin) would amend Article XI, Section 15 of the Pennsylvania Constitution to remove the requirement of a separate ballot or column on voting machines for the retention of justices, judges and justices of the peace. A proposed constitutional amendment must pass two legislative sessions and be approved by the electorate. **[Passed: 49-0.](#)**

[Senate Resolution 251](#) (Killion) designates November 12, 2019, the 550<sup>th</sup> anniversary of the birth of Guru Nanak, the founder of Sikhism, as “World Equality Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 252](#) (Stefano) recognizes Fallingwater, the Western Pennsylvania Conservancy and the Frank Lloyd Wright Building Conservancy on Fallingwater being named a UNESCO World Heritage Site. **[Adopted by Voice Vote.](#)**

[Senate Resolution 253](#) (Tartaglione) recognizes the month of October 2019 as “National Sensory Processing Disorder Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 254](#) (Tartaglione) designates October 2019 as “National Physical Therapy Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 255](#) (Yudichak) recognizes October 24, 2019 as “Lights on Afterschool Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 256](#) (Mensch) recognizes October 13, 2019 as “Metastatic Breast Cancer Awareness Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 257](#) (Schwank) designates December 1, 2019 as “Penske Truck Leasing Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 258](#) (Farnese) recognizes the month of October 2019 as “Polish American Heritage Month” and designates October 6, 2019 as “Pulaski Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

### **Wednesday, October 23, 2019**

[Senate Bill 61](#) (J. Ward) would amend the Liquor Code to expand the list of eligible entities for wine and spirits permits to include:

- Any nonprofit as defined in section 501(c) (3) of the Internal Revenue Code of 1986 and that is registered with the Bureau of Corporations and Charitable Organizations under the Department of State, that is recognized as a community-based voluntary organization committed to fighting cancer and has been in existence for at least five years; and
- Any community-based voluntary health organization in a second class county that enriches the lives of children and young adults with disabilities and chronic illnesses.

An additional change would expand the definition of “eligible entity” to include a nonprofit organization located in a third class city in a fifth class county whose mission is to improve the quality of life for individuals with developmental disabilities that has been in existence for over 60 years. The change would allow the organization to qualify for a special occasion permit. **Passed: 48-0.**

**Senate Bill 750** (Scarnati) would amend the Administrative Code of 1929 to transfer the authority of the Lieutenant Governor’s Mansion located at Fort Indiantown Gap from the Department of General Services to the Department of Military Affairs within 12 months of the effective date of the legislation. Upon transfer, the property would be used to support Pennsylvania’s veterans programs and support the National Guard including current and survivor families. **Passed: 48-0.**

**Senate Resolution 259** (Dinniman) commemorates Diwali, the Hindu Festival of Lights. **Adopted by Voice Vote.**

**Senate Resolution 260** (Mensch) recognizes October 8, 2019 as “National Hydrogen and Fuel Cell Day” in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 49** (Brown) would amend the Public School Code of 1949 to make a number of changes. Among other provisions, the measure would:

- Clarify that school police officers, if authorized by the court, could exercise the same powers as exercised under the authority of law or ordinance by the police of the municipality in which the school property is located;
- Extend the deadline for current school police officers, school resource officers, and school security guards to receive the required training specified under Act 67 of 2019 from the end of February 2020 until the beginning of the 2020-2021 school year;
- Permit a public high school student who successfully completes a course in personal finance during grades nine through twelve to apply up to one credit earned for completion of the course to satisfy the student’s social studies, family and consumer science, mathematics or business education credit requirement for graduation. The governing body of the student’s school would have discretion to determine the graduation credit to which the credit earned would be applied. A student could not apply more than one credit earned to satisfy the mathematics credit requirement. The change would apply beginning with students graduating at the end of the 2020-2021 school year and continue each school year thereafter;
- Extend the deadline for the Public Higher Education Funding Commission to issue its report to November 30, 2020; and
- Clarify that to be eligible for a fostering independence waiver an individual would have to apply for all available federal and state grants. **Passed: 28-20.**



[House Bill 859](#) (Barrar) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to add Chapter 56 establishing the Nonprofit Security Grant Fund and to clarify certain provisions regarding 911 system reports. No later than March 1, 2020, the Pennsylvania Commission on Crime and Delinquency would begin accepting applications from eligible nonprofit organizations for grants to undertake security enhancements designed to protect the safety and security of the users of a facility located in the Commonwealth that is owned and operated by the nonprofit organization. An eligible nonprofit would include an exempt organization as defined under Section 501(c) (3) of the Internal Revenue Code of 1986 that principally serves individuals, groups or institutions that are included within a bias motivation category for single bias hate crime incidents identified by the Federal Bureau of Investigation in its 2017 Uniform Crime Reporting Program. The Commission would be required to provide notice of the initial application period on its website.

If money is available in the fund, no later than October 1, 2020, and each October 1 thereafter, the Commission would be required to accept applications from eligible applicants during the fiscal year. The Commission would have to provide notice of a new application period on its website. Grants would range from \$5,000 to \$150,000. The Commission could not require non-state financial participation from an eligible applicant for a grant request that is \$25,000 or less. Grants over \$25,000 would have a match requirement. No later than 30 days after the effective date of the legislation, the Budget Secretary would be required to transfer \$5 million to the Nonprofit Security Grant Fund from the unexpended, unencumbered prior year funds that were originally appropriated to any executive branch agency under the Governor. The transfer could only be made if it would not result in a deficit in any appropriation from which the funds are taken. Prior to making the transfer, the Budget Secretary would have to notify the majority and minority chairs of the Senate and House Appropriations Committees. Beginning with the 2020-2021 Fiscal Year, the General Assembly could appropriate money to the fund. All funds and accrued interest would be appropriated to the Commission on a continuing basis to award grants under the chapter.

An eligible project that receives a grant under the chapter could be the subject of an award for a redevelopment assistance capital project under Chapter 3 of the Capital Facilities Debt Enabling Act. Nothing in chapter could be construed to modify the eligibility requirements for redevelopment assistance capital projects under the Capital Facilities Debt Enabling Act. The chapter would expire July 1, 2024. Any unexpended and unencumbered funds remaining in the fund as July 1, 2024 would lapse and be transferred to the General Fund. Finally, the legislation would further clarify that the Pennsylvania Emergency Management Agency's annual report to the General Assembly on the 911 Fund would have to be submitted no later than December 1 of each year. An additional change would require that the report list any 911 systems that merged or consolidated during the previous year. **[Passed: 48-0.](#)**

[House Bill 1085](#) (Bernstine) would repeal Act 182 of 1935, the State Personal Property Tax Act. **[Passed: 48-0.](#)**

### *Executive Session*

Ralph V. Yanora – Pennsylvania Public Utility Commission. **[Confirmed: 45-3.](#)**

Nominations to Various Boards and Commissions. **Confirmed: 48-0.**

(2019-113)