

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Saturday, July 8, 2017

[Senate Bill 431](#) (Scavello) would amend Title 18 (Crimes and Offenses) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to increase the fines for littering. The bill would amend the Crimes Code to increase the maximum fines for scattering rubbish from \$300 to \$1,000 for a first offense and from \$1,000 to \$2,000 for a second or subsequent offense and authorize a court to sentence an offender to pick up litter or illegally dumped trash for not less than 40 hours, nor more than 100 hours, to be completed within one year. The legislation would also establish a schedule of fines for the crime based on the amount and weight of the materials littered. The changes to the Vehicle Code would establish a similar schedule of fines based on the amount and weight of the materials littered. An additional provision would increase the fines for littering in specially protected areas such as agricultural security areas. Two-thirds of any fines over \$300 would be transmitted to the county where an offense occurred if the county commissioners have established a litter board or other entity to administer solid waste management and litter abatement activities in the county. **[Passed: 49-0.](#)**

[Senate Bill 449](#) (Bartolotta) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to authorize a court of common pleas to adopt and use a bail risk assessment tool to aid in evaluating the relative risk that a defendant will assault the defendant's alleged victim while on bail. **[Passed: 49-0.](#)**

[Senate Bill 590](#) (Stefano) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to increase the amount a payee can collect as a service charge for a bad check from \$50 to \$75. **[Passed: 49-0.](#)**

[Senate Bill 697](#) (Browne) would create the Capital Budget Act of 2017-2018. The bill would authorize the maximum indebtedness that the Commonwealth could incur during the fiscal year for capital projects specifically itemized in a capital budget project itemization act. The legislation would authorize: \$1,035,000,000 for buildings and structures; \$20,000,000 for furniture and equipment; \$350,000,000 for transportation assistance projects; \$200,000,000 for redevelopment assistance projects; and \$10,000,000 for flood control projects. **[Passed: 49-0.](#)**

[Senate Resolution 167](#) (Hughes) urges Amtrak to comply with H.R. 4838 and immediately rename the 30th Street Station as the "William H. Gray III 30th Street Station." **[Adopted by Voice Vote.](#)**

[House Bill 59](#) (Moul) would amend the Human Services Code to allow a child, or a person acting on behalf of the child, to appeal to the Department of Human Services the amount of an adoption subsidy provided to the child under the Adoption Opportunities Act. **[Passed: 49-0.](#)**

[House Bill 422](#) (Gabler) would amend the First Class Township Code to provide that, prior to being sworn into office, each elected or appointed township officer would be required to present

a signed affidavit to the township secretary stating that the officer resides in the township and has resided in the township continuously for at least one year immediately prior to election or appointment. If an individual elected to office or appointed to an elective office fails to give the required bond, take the required oath or provide a signed affidavit, a vacancy would be created in the office for which the individual was elected or appointed. The legislation would require the township commissioners to fill the vacancy within thirty days by appointing a registered elector of the township. The measure would clarify that a vacancy would not be created by resignation until the date that the resignation is accepted by a majority vote of a quorum of the township commissioners at a public meeting, or the effective date of the tendered resignation, whichever is later. A resignation that is not accepted by the township commissioners would be deemed accepted after 45 days of tendering. **Passed: 49-0.**

House Bill 1426 (Fee) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to remove the current holiday travel restriction for the movement of a permitted vehicle, combination or load. The change would allow vehicles that do not exceed 135,000 pounds gross weight (instead of 107,000 pounds gross weight), 10 feet in width, or any height or length limitation to travel during the holiday periods. The bill would also eliminate the holiday travel restrictions for truck transportation of construction equipment and refrigerated meat products. The bill would retain the current restrictions on truck movement in inclement weather. **Passed: 39-10.**

House Bill 1431 (Masser) would designate:

- The portion of State Routes 54 and 901 in Northumberland County and Schuylkill County from the intersection of State Route 54, State Route 901 and State Route 2023, also known as the Mount Carmel Merriam Highway, in Mount Carmel Township, Northumberland County, to the intersection of State Route 901, also known as Fairgrounds Road, and High Road in Butler Township, Schuylkill County as the Honorable Robert E. Belfanti, Jr., Memorial Highway;
- Exit 18 of State Route 43, known as the Searights Road Interchange, in Fayette County as the Staff Sgt. John P. Wanto Vietnam Veteran Exit;
- Exit 15 of State Route 43, known as the Old Pittsburgh Road Interchange, in Fayette County as the Lance Corporal Russell W. Naugle Vietnam Veteran Exit;
- The bridge located on State Route 2003 over the Yellow Breeches Creek, South Middleton Township, Cumberland County as the Sgt. Adam C. Schoeller Memorial Bridge;
- The section of State Route 18 in West Fallowfield Township, Crawford County, from the intersection with State Route 322 to the Crawford/Mercer County line as the Staff Sergeant James Douglas Mowris Memorial Highway;
- The section of State Route 100 from the intersection of Main Street and Tilghman Street in Upper Macungie Township, Lehigh County, to the intersection of Claussville Road

and Kernsville Road in Lowhill Township, Lehigh County as the Captain Mark T. Resh Memorial Highway;

- The bridge located on State Route 18 (College Avenue) in Greenville Borough, Mercer County over the Little Shenango River as the Greenville Veterans Memorial Bridge;
- The portion of State Route 3078 and State Route 3090 in York County from the intersection with State Route 116 to the intersection with State Route 3042 as the Private First Class Donald R. Gise Memorial Road;
- The bridge located on State Route 1005, known as Church View Road, over Beaver Creek in South Woodbury Township, Bedford County as the PFC/POW William G. Koontz Memorial Bridge;
- The bridge located on State Route 588 over Interstate 376 in Chippewa Township, Beaver County as the TFC Blake T. Coble Memorial Bridge; and
- The bridge carrying State Route 3012 over the Susquehanna River between City Island and the intersection with State Route 1010 and State Route 1027, commonly referred to as the Market Street Bridge, as the Senator Harold Mowery Market Street Bridge.
[Passed: 49-0.](#)

Executive Session

John F. Coleman, Jr. – Pennsylvania Public Utility Commission. [Confirmed: 49-0.](#)

John N. Wozniak – Pennsylvania Turnpike Commission. [Confirmed: 49-0.](#)

Sunday, July 9, 2017

[Senate Bill 403](#) (Brewster) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to modify the membership of the Municipal Police Officers' Education and Training Commission. The change would replace the Governor's appointment of an agent from the Federal Bureau of Investigation with an appointment from the membership of the Pennsylvania State Lodge Fraternal Order of Police. [Passed: 49-0.](#)

[Senate Resolution 165](#) (Scarnati) amends the Rules of the Senate to clarify the process for requesting a Senate Citation. [Adopted: 49-0.](#)

[Senate Resolution 166](#) (Scarnati) amends the Financial Operating Rules of the Senate to make technical changes for clarification purposes. [Adopted: 49-0.](#)

[House Bill 97](#) (Reese) would amend the Public School Code of 1949 to update the provisions governing charter and cyber charter schools. Among other provisions, the legislation would:

- Prohibit paid media advertisements by public school entities from referring to tuition or transportation as free. Any reference to tuition or transportation costs would have to state that the costs are paid for with taxpayer dollars;
- Provide that whenever a student transfers to another school entity, a copy of the student's attendance record would have to be transmitted to the school to which the student has transferred within 10 days of the receipt of a request;
- Allow charter and cyber charter schools to enter into concurrent enrollment agreements with institutions of higher education and participate in the dual enrollment program;
- Establish the Charter School Funding Advisory Commission to review current laws and policies and issue a report of its findings and recommendations within 18 months of the effective date of the act;
- Allow a charter or cyber charter school to utilize sectarian facilities if it covers or removes religious objects to the extent reasonable;
- Allow cyber charter schools to use in-person interaction testing or instruction for students protected by the Individuals with Disabilities Education Act for the amount of time required by the student's individualized education program;
- Apply the Ethics Act to charter and cyber charter school trustees and administrators and require trustees to take the oath of office before taking office;
- Clarify that a board of trustees for a charter or cyber charter school is subject to the Sunshine Act;
- Provide for the Secretary of Education to withhold funds in an amount necessary to make any payment due for indebtedness or interest that a charter or cyber charter school fails to make and prohibit the Department of Education from withholding funds from the incorporating school district;
- Require the Department to develop standard charter school application forms for all new and renewal charter and cyber charter school applicants;
- Provide for an initial charter term of five years, followed by a 10-year renewal term for a charter school that satisfies an academic quality benchmark established by the State Board of Education and a five-year renewal term for a charter school that does not satisfy the benchmark;

- Require that, beginning in the sixth year of any 10-year renewal term, the charter of a charter school that fails for two years to satisfy the benchmark would be subject to review;
- Provide a process for a charter or cyber charter school to request an amendment to its charter;
- Establish a process for renewal applications that require the local board of school directors to vote to renew or not renew in 90 days, and provide for the decision to be appealed to the state Charter School Appeal Board;
- Require the parent member of the Charter School Appeal Board to have a child who is enrolled in a charter school or cyber charter school and increase the membership on the board from seven to ten members by requiring the addition of an administrator of a charter or cyber charter school, a trustee of a charter or cyber charter school, and a principal of a non-charter public school;
- Provide a charter or cyber charter school with the right of first refusal to purchase or lease, for educational purposes only, a public school building which is no longer in use;
- Provide that alcoholic beverages are not to be available for consumption, purchase or sale in any charter or cyber charter school facility;
- Clarify the process for charter and cyber charter school payment calculation and payment dispute resolution;
- Allow a charter or cyber charter school to request that the intermediate unit or the school district in which the charter or cyber charter school is located provide services to the charter or cyber charter school for payment;
- Allow a charter school that has no limit on student enrollment in its charter to operate at more than one location in the chartering school district;
- Provide for the local school board of directors to have ongoing access to a charter school's records;
- Require charter and cyber charter schools to comply with the Federal Family Educational Rights and Privacy Act;
- Require charter and cyber charter schools to form an independent audit committee to review annually a complete, certified audit of the school's operations. The certified audit and annual budgets would have to be made available online;
- Establish limits on the unassigned fund balance reserve a charter or cyber charter school may accumulate and provide that any excess over the established limit would have to be

returned to the school districts that paid tuition to the charter school entity. Excess funds could not be used to pay bonuses or transferred to a charter school foundation;

- Require the State Board to create a performance matrix to measure and assess the academic performance of charter and cyber charter schools through regulations;
- Provide for Charter School Appeal Board documents to be subject to the Right-to-Know Law;
- Require school districts, intermediate units, community colleges, and State System of Higher Education institutions to provide cyber charter schools with access to their facilities for the administration of standardized testing; and
- Provide that a parent or guardian with more than one child enrolled in the same cyber charter school may elect not to receive a separate computer, monitor and printer for each child. **Passed: 26-23.**

House Bill 290 (Metzgar) would amend the Storage Tank and Spill Prevention Act to make a number of changes. Among other modifications, the legislation would:

- Increase the membership of the Underground Storage Tank Indemnification Board from 10 members to 14 members, with the four additional members appointed by the legislative leaders;
- Replace the representative on the Board from the Middle Atlantic Truck Stop Operators with a representative of a statewide organization representing fuel retailers and food merchants;
- Increase the cap from \$500,000 to \$750,000 within the Underground Storage Tank Environmental Cleanup Program that could be used for assistance to homeowners with underground heating oil tanks;
- Reduce the annual allocation for the Pollution Prevention Program from \$1 million to \$350,000;
- Increase the amount of reimbursement the Department of Environmental Protection could request from the Board for program activities, including inspection and enforcement, from \$3 million to \$7 million; and
- Extend the sunset date of the Underground Storage Tank Environmental Cleanup Program until June 30, 2022. **Passed: 49-0.**

House Bill 1494 (Rapp) would amend the Conservation and Natural Resources Act to provide the Governor with the authority to enter into a cooperative agreement with federal agencies for the purpose of harvesting and selling timber, engaging in activities which promote forest regeneration and other activities to restore or improve the health of forests and watersheds on

federal lands in the Commonwealth. The Department of Conservation and Natural Resources could contract with private contractors to perform forest management activities on federal lands under the terms of a federal cooperative agreement. All monies received from the sale of timber on federal lands under a federal cooperative agreement would have to be used by the Department to administer, implement and pay all costs associated with the cooperative agreement.

Passed: 49-0.

Monday, July 10, 2017

Senate Bill 6 (Regan) would amend the Human Services Code to tighten public assistance benefit eligibility criteria, limit the use of access devices, and increase penalties for instances of willful fraud. Among other provisions, the measure would:

- Define an “access device” as an electronic benefit transfer card that is issued by the Department of Human Services to convey public assistance benefits to a recipient;
- Exempt one motor vehicle from being considered an available resource of an applicant or recipient when determining initial or continuous eligibility for assistance, if that motor vehicle has a fair market value of less than \$40,000;
- Require individual lottery winnings of \$600 or more to be considered an available resource when determining a recipient’s eligibility for assistance and require the Department to cross-reference the social security number of each applicant or recipient with the lottery winners’ database maintained by the Pennsylvania Lottery;
- Add Section 423.25 to provide that individuals convicted of a felony for violating certain specified sections of The Controlled Substance, Drug, Device and Cosmetic Act would be prohibited from receiving public assistance, unless the individual is:
 - complying or has complied with obligations imposed by the criminal court; and
 - actively engaged in or has completed a court-ordered substance abuse treatment program and participates in periodic drug tests for 10 years after the drug-related conviction or for the duration of probation (whichever is longer);
- Provide that upon a second or subsequent conviction for a specified drug conviction, an individual would be suspended from receiving public assistance for a period of 10 years. After the 10-year suspension, the individual could apply for public assistance;
- Require individuals who fail a court-ordered drug-test for the first time to undergo an assessment and treatment or lose public assistance for six months. After the six-month suspension, the individual could reapply for benefits but would have to submit to a retest. For failing a drug test or retest a second time, an individual would be suspended from receiving public assistance for a period of 10 years. After the 10-year suspension, the individual could reapply but would have to submit to a retest;

- Provide the Department of Human Services with the ability to determine, in its sole discretion, when it is cost effective to implement the provisions of the section. Nothing in the section could be construed to render applicants or recipients who fail a drug test or retest ineligible for medical assistance, a Commonwealth program that pays for drug treatment, or another benefit not included in the definition of public assistance. For purposes of the section, “public assistance” would include Temporary Assistance to Needy Families (TANF), general assistance, and state supplemental assistance. In addition, the section would not apply to benefits which are afforded to the minor children of individuals who are denied eligibility to receive public assistance;
- Require an individual who is required to register as a convicted sex offender to be in compliance with statutory registration requirements in order to be eligible for public assistance. Offenders who lose benefits for non-compliance could have their benefits reinstated after demonstrating compliance. The eligibility of minor children living in the household would not be affected. The Department would be required to issue regulations to effect compliance with the registration requirements for transient and homeless individuals;
- Clarify and upgrade penalties for fraudulent benefit activities;
- Make it unlawful for any individual to withdraw funds from an access device for any transaction in a licensed gaming facility or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes. It would also be unlawful for a licensed gaming facility to allow for the withdrawal of funds from an access device or allow for public assistance benefits to be used through a point-of-sale transaction. Any gaming facility or retailer that willfully violates these provisions would be guilty of a misdemeanor punishable by a fine of up to \$1,000; and
- Require a recipient who requests the replacement of an access device to pay, except under limited circumstances, a replacement fee of \$5 for the first access device requested. A replacement fee of \$100 would be assessed for the second and each subsequent replacement access device requested by individuals 64 years of age and younger. Individuals 65 years of age and older would continue to pay \$5. Payment would have to be made prior to the issuance of any replacement access device. The Department would be required to notify the Office of Inspector General of the name of any recipient who requests two or more access devices in a calendar year. **Passed: 40-9.**

[Senate Bill 144](#) (Yaw) would amend the Sewage Facilities Act to allow for the use of alternative on-lot septic systems for planning purposes. The bill would allow an applicant, when proposing an official plan supplement or revision for a new land development, to submit and require the Department of Environmental Protection (DEP) to accept, for the purpose of satisfying general site suitability requirements, any conventional or alternate on-lot septic system permissible by a sewage enforcement officer. The legislation would also require DEP to work with its Sewage Advisory Committee to develop standards for evaluating alternate on-lot sewage systems. If, based on its evaluation, the Department determines there is sufficient evidence to reclassify an

alternate system as a conventional on-lot sewage system, it would be required to do so. If the evaluation determines that there is insufficient or inadequate evidence to continue classifying an on-lot sewage system as an alternate system, the Department could undertake a rulemaking to remove the system's classification as an alternate system. [Concurrence in House Amendments: 48-1.](#)

[Senate Bill 172](#) (Argall) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to require both the Pennsylvania Department of Transportation (PennDOT) and the Pennsylvania Turnpike Commission to establish a three-year automated speed enforcement system program for active work zones no later than 18 months from the effective date of the legislation. An "automated speed enforcement system" would be defined as an electronic traffic sensor system that is able to automatically detect vehicles exceeding the posted speed limit with a speed timing device and which records the vehicle's rear license plate and location. At least two appropriate warning signs would have to be conspicuously placed before the work zone notifying the public that an automated speed enforcement device is in use. A notice identifying the location of automated speed enforcement systems would also have to be posted on the PennDOT and Turnpike Commission websites. Driving in excess of the posted speed limit in an automated speed enforcement work area by at least 11 miles per hour would be a violation under the program punishable by a fine of \$100. A penalty imposed under the program would not be considered a criminal conviction and would not be made part of the operating record of the individual.

The legislation would provide for the types and content of the notices that would be sent to violators and the process for payment of fines. Images collected for the program could not be used for any other surveillance purposes and would have to be destroyed within one year. The images would not be considered a public record under the Right-to-Know Law. Compensation under a contract to implement the program could not be based in any part on the quantity of notices of violation issued or the amount of fines imposed or generated. Following payment of the administrative costs of the program, 45 percent of the funds generated by the program would be provided to the Pennsylvania State Police. Of this amount, 55 percent would be used for recruiting, training and equipping State Police cadets and 45 percent would be used to pay for increased State Police presence in work zones. Fifteen percent of the funds generated would be retained by PennDOT and the Turnpike Commission for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety. The remaining 40 percent of the funds would be deposited in the Motor License Fund for appropriation by the General Assembly. PennDOT and the Turnpike Commission would be required to report annually to the Senate and House Transportation Committees on the program with the information specified in the legislation. [Passed: 45-3.](#)

[Senate Bill 289](#) (White) would designate:

- The bridge located on Old State Route 22 that connects Blairsville Borough, Indiana County and Derry Township, Westmoreland County, over the Conemaugh River as the Blairsville Area Veterans Memorial Bridge; and

- The bridge located on that portion of State Route 4027, also known as Business U.S. Route 220, over the Norfolk Southern Mainline Railroad tracks in Grazierville, Snyder County as the John Frederick Bridges Memorial Bridge;
- The bridge, identified as Bridge Key 53825, located on that portion of State Route 1011, also known as Castile Run Road, over the South Fork Tenmile Creek between Jefferson Township and Clarksville Borough, Greene County as the PFC Brent A. McClellan Memorial Bridge;
- The bridge located on that portion of U. S. Route 11 over the Susquehanna River between the City of Pittston and West Pittston Borough, Luzerne County as the Specialist Dale J. Kridlo Memorial Bridge;
- The bridge located at the junction of State Route 150 and State Route 64 over Fishing Creek in Mill Hall Borough, Clinton County as the U.S. Navy SOC David M. Collins Veterans Memorial Bridge;
- The bridge located on State Route 85 over the North Branch of Plum Creek in Plumville Borough, Indiana County as the Henry Lue Weaver Memorial Bridge; and
- The bridge located on State Route 26 in Howard Township, Centre County, over Bald Eagle Creek, as the Howard Area Veterans Bridge. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 527](#) (Aument) would amend the Administrative Code to establish the Office of State Inspector General in statute. Within 90 days of the effective date of the legislation, the Governor would be required to appoint a State Inspector General who would serve concurrent with the Governor's term of office. The Inspector General would have to be selected without regard to political affiliation on the basis of integrity, capability for strong leadership and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation or criminal justice administration or other appropriate fields. The Inspector General could be removed from office by the Governor, including for cause, and could not seek election to political office during his or her term.

The Inspector General would be given the power to do the following: 1) make an investigation and report relating to the administration of a program and operation of an executive agency; 2) request information or assistance necessary for carrying out the duties and responsibilities under this act from the federal government, an executive agency or a local government agency; 3) require and obtain information, documents, reports, answers, records, accounts, papers and other necessary data and documentary evidence; 4) have direct and prompt access to the heads of executive agencies, if necessary; 5) select, appoint and employ individuals necessary for carrying out the functions, powers and duties of the office; and 6) issue subpoenas. The purpose and duties of the Office of Inspector General are outlined in the bill. Executive agencies would have 10 days to respond to a request from the State Inspector General.

The Inspector General could issue a subpoena relating to any matter pertinent to an examination to a person under the State Inspector General's jurisdiction or to an individual or a person receiving services from or through an executive agency. If a person fails or refuses to obey a subpoena, the Inspector General could petition a court of competent jurisdiction to enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order would be punishable as contempt of court. The Inspector General would also have the power to investigate and file criminal charges for violations of certain offenses related to welfare fraud as listed in the act.

A person could not take, or threaten to take, action against an employee as reprisal for making a complaint or disclosing information to the Inspector General unless the employee knowingly made a false complaint. Employees would be protected under the Whistleblower Law. The appropriation for the Office of Inspector General would be in a separate line item under the jurisdiction of the Inspector General. By December 31 of each year, the Inspector General would be required to issue an annual report to the General Assembly. The report would have to include: 1) information relating to investigations undertaken by the office; 2) an accounting of the taxpayer money that was recovered as a result of the work of the office; 3) the monetary value that resulted from fraud prevention activities as a result of the work of the office; 4) summaries of performance of each bureau within the office; and 5) specific recommendations concerning the improvement of any state program to further reduce waste, fraud and abuse.

Concurrence in House Amendments: 47-2.

Senate Bill 553 (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes regarding the suspension or revocation of a driver's license, refusal to take a blood test to measure impairment and ignition interlock. The bill would amend Section 1540 concerning surrender of a license to eliminate the requirement that a court or district attorney require the licensee to surrender a driver's license upon conviction and forward the license to the Department of Transportation. Instead, upon conviction, the defendant would be informed that the suspension would be effective within 60 days. The section would create a rebuttable presumption of the defendant's knowledge of the suspension. Section 1541 would be amended to eliminate the requirement for a license to be surrendered before an individual could begin receiving credit for a suspension, revocation or disqualification. Section 1543, relating to driving while operating privilege is suspended or revoked, would be amended to require that, upon adjudication of delinquency of an offense under this section, a person would be sentenced to pay a fine and their operating privilege would be suspended or revoked.

Section 1547, relating to chemical testing to determine the amount of alcohol or controlled substance, would be amended by removing provisions which deem that a driver involved in an accident in which someone required medical treatment or was killed, had given consent to chemical tests for the purpose of determining blood alcohol content without probable cause. In addition, the bill would require police officers to inform a person who refuses to submit to chemical testing that they will be subject to a driver's license restoration fee of up to \$2,000, in addition to a suspension of their operating privilege. A driver's license restoration fee structure would be established to require a fee of \$500 for a first suspension, a fee of \$1,000 for a second suspension and a fee of \$2,000 if the department has previously suspended the person's operating privilege under this section on two or more occasions. The section also clarifies that

there is no limitation on the ability of law enforcement to obtain chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the United States Constitution and the Constitution of Pennsylvania.

Section 1556, relating to ignition interlock limited licenses, would be amended to clarify that all fines and costs would have to be paid at the time of the petition unless the applicant is current on a payment plan. Restoration fees required under section 1547 (b.2) would be paid as follows: 1) one-half of the amount would have to be paid at the time of petitions; and 2) the remaining amount would have to be paid at the time of application for an unrestricted driver's license.

Section 3804 would be amended to clarify that if a person violates section 3802 (a)(1), regarding driving under the influence, by drinking a sufficient amount of alcohol to render them incapable of safely driving and refuses to submit to chemical breath testing or the testing of blood pursuant to a valid search warrant, then the person would be subject to penalties including imprisonment and fines. Section 3805, relating to ignition interlock, would be amended to exclude a person who is subject to mandatory suspension of operating privilege under Section 3807 (d) who enters an Accelerated Rehabilitative Disposition program, from an ignition interlock requirement. **[Concurrence in House Amendments: 49-0.](#)**

[Senate Bill 624](#) (Scarnati) would amend the Bituminous Mine Subsidence and Land Conservation Act to provide that, in a permit application to conduct bituminous coal mining operations subject to the act, planned subsidence in a predictable and controlled manner, which is not predicted to result in the permanent disruption of pre-mining existing or designated uses of surface waters of the Commonwealth, could not be considered presumptive evidence that the proposed bituminous coal mining operations have the potential to cause pollution as defined under the Clean Streams Law. This provision would only apply if: 1) a person submits an application to conduct bituminous mining operations subject to the act to the Department of Environmental Protection that provides for the restoration of the pre-mining range of flows and restoration of pre-mining biological communities in any waters of the Commonwealth predicted to be adversely affected by subsidence, and 2) the plan is approved by the Department. The restoration would have to be consistent with the pre-mining existing and designated uses of the waters of the Commonwealth. The new provisions would apply to all permits issued under the act after October 8, 2005. **[Concurrence in House Amendments: 28-21.](#)**

[Senate Bill 677](#) (Baker) would create the Pennsylvania ABLE Savings Program Tax Exemption Act. The legislation would exempt the following from all taxation by the Commonwealth and its political subdivisions:

- Undistributed earnings on an ABLE savings account;
- A rollover distribution that is excludable from tax under section 529A(c) of the Internal Revenue Code ("IRC"); and
- An amount distributed from an account that is excludable from tax under 529A(c) of the IRC.

An amount paid in contribution to an ABLE savings account would be deductible from taxable income on the annual personal income tax return. The deduction would be subject to an annual gift exclusion limitation under section 2503(b) of the Internal Revenue Code (\$14,000 for 2017), and could not result in an individual's taxable income being less than zero. An amount that is distributed from an ABLE savings account and is not described as exempt from taxation under the act would be taxable under Article III of the Tax Reform Code of 1971. A change in designated beneficiaries under section 529A(c) of the IRC would not constitute a taxable event. **Passed: 48-0.**

House Bill 176 (Pickett) would amend the Pennsylvania Construction Code Act to create an exclusion for roadside farm stands that meet the requirements outlined in the legislation and structures used to load, unload or sort livestock at livestock auction facilities. An additional change would include structures that are less than 1,000 square feet in size and utilized to process maple sap in the definition of "agricultural building" thereby excluding them from the provisions of the act. **Passed: 48-0.**

House Bill 785 (Saylor) would amend the Capital Facilities Debt Enabling Act to reduce the maximum amount of redevelopment assistance capital project obligations that could be outstanding. Beginning July 1, 2018, the current maximum limitation of \$3,450,000,000 would be reduced by \$50,000,000 per year for a period of five years to reduce the cap to \$3,200,000,000. The measure would also create the Capital Budget Act of 2017-2018. These provisions would authorize the maximum indebtedness that the Commonwealth could incur during the fiscal year for capital projects specifically itemized in a capital budget project itemization act. The legislation would authorize: \$875,000,000 for buildings and structures; \$10,000,000 for furniture and equipment; \$350,000,000 for transportation assistance projects; \$200,000,000 for redevelopment assistance projects; and \$10,000,000 for flood control projects. **Passed: 48-0.**

Tuesday, July 11, 2017

House Bill 1285 (Maloney) proposes an amendment to the Pennsylvania Constitution to allow for a homestead exclusion not to exceed 100 percent of the assessed value of each homestead property within a local taxing jurisdiction. The existing language being replaced allows for an exclusion up to 50 percent of the median assessed value of all homestead property in a local jurisdiction. As a proposed constitutional amendment, legislation must pass two consecutive legislative sessions and be approved by the electorate. Identical legislation passed last session as House Bill 147. **Passed: 46-2.**

Executive Session

Anthony C. Moscato – Board of Probation and Parole. **Confirmed: 48-0.**