

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Wednesday, March 25, 2020

Election Law Changes

[Senate Bill 422](#) (Vogel) would amend the Pennsylvania Election Code to make a number of changes. Among other modifications, the legislation would:

- Enact emergency provisions related to the COVID-19 pandemic (which would expire on July 3, 2020) including:
 - Moving the 2020 Primary to June 2, 2020,
 - Allowing poll workers to come from any part of a county (not just their election district),
 - Giving counties flexibility to consolidate or move polling places, and
 - Allowing counties to use previously printed ballots with the April 28 Primary date;
- Provide for pre-canvassing of absentee/mail-in ballots at 7:00 a.m. election day (rather than 8:00 p.m. Election Night);
- Establish timelines to challenge applications for absentee/mail ballots;
- Require electors who requested absentee/mail-in ballots to bring both ballots and barcoded envelope to the polls if they want to vote in person Election Day;
- Update election day procedures and voting processes to reflect current machines;
- Establish clearer penalties for violations related to absentee/mail-in ballots;
- Require electors on permanent absentee/mail-in ballot lists who move to another county to request permanent status with their new county;
- Eliminate a number of technical: temporary voter registration cards, ink colors, ballot sizes, and instructions related to election materials; and
- Establish the Pennsylvania Election Law Advisory Board in the Joint State Government Commission to study election law and related issues and to make recommendations on

improving the electoral process in Pennsylvania. By the end of each fiscal year, the Board would have to publish extensive and detailed findings on the Commission's website and make them available in electronic format to the Governor's Office and members of the General Assembly. [Concurrence in House Amendments: 50-0.](#)

School Code Changes

[Senate Bill 751](#) (Aument) would amend the Public School Code to replace the existing teacher evaluation system and to enact emergency provisions related to the COVID-19 emergency. The measure would:

- Eliminate the current teacher evaluation system on June 30, 2021 and replace it with a revised rating system. No later than March 31, 2021, the Department of Education would have to develop and submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin rating tools designed for each category of professional employee. The rating tools would be developed in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators. The tools would be used in determining whether a professional employee should be dismissed for unsatisfactory teaching performance as provided for in section 1122(a), and in performance ratings of professional employees and temporary professional employees. The Department would be required to review the revised rating system within five years of implementation and submit a report of its findings to the Education Committees of the House and the Senate;
- Implement emergency provisions applicable to the 2019-2020 school year as a result of the global pandemic declared by the World Health Organization on March 11, 2020;
- Waive Section 1501 (relating to minimum number of days) which mandates that all public schools be open each school year for at least 180 days of instruction;
- Authorize the Secretary of Education to take a number of actions, including increasing the number of flexible instructional days and waiving the minimum total number of hours required for a career and technical education program, among others;
- Guarantee that employees of any school entity who were employed as of March 13, 2020, will receive the same compensation they would have been entitled to receive from the school entity had the pandemic not occurred;
- Stipulate that no employee of any school entity who was employed as of March 13, 2020, will receive more or less credit or contribute more or less than the employee would have contributed pursuant to the Public School Employee's Retirement Code under 24 Pa.C.S. Pt. IV had the pandemic not occurred;
- Establish similar provisions for nonpublic schools, private residential rehabilitative institutions and home schooled children;

- Require school entities to:
 - Provide its facility cleaning staff with the appropriate cleaning materials and protective clothing and gear as recommended by the Centers for Disease Control and Prevention,
 - Provide written notice to parents or guardians of each student who receives services under an Individualized Education Program of the school entity's plans for ensuring the student receives a free and appropriate public education as required under the Individuals with Disabilities Education Act,
 - Make a good faith effort to plan to offer continuity of education to students using alternative means during the period of closure;
- Authorize each school entity to renegotiate a contract for school bus transportation services to ensure contracted personnel and fixed costs are maintained during the period of closure;
- Stipulate that a school entity which was closed as a result of the pandemic will not receive less subsidy payments, reimbursements, allocations, tuition or other payments than the school entity would otherwise have been entitled to receive for the 2019-2020 school year had the pandemic not occurred. A charter school, regional charter school, or cyber charter school would receive tuition payments based upon the enrollment as of March 13, 2020;
- Require the Secretary to apply to the U.S. Department of Education for a waiver of the testing and accountability requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, to allow the cancellation of testing for the 2019-2020 school year;
- Authorize the governing body of a school entity to apply to the Secretary for waiver of any provision of this act, a regulation of the State Board of Education, or a standard of the Department, if the waiver is directly related to the school entity's staffing needs or impacts its instructional program or operations as a result of the pandemic; and
- Extend each professional educator's current continuing professional education compliance period by one year. This provision would apply only to educators with an active certification as of the effective date of this provision, and would expire in one year.
[Concurrence in House Amendments: 50-0.](#)

Unemployment Compensation

[House Bill 68](#) (Ryan) would amend the Unemployment Compensation Law to:

- Extend the window for employers to request full relief from benefit charges from 15 days to 21 days;

- Add a new section requiring employers to provide notification of the availability and information about unemployment compensation to employees at the time of separation;
- Add a temporary article establishing emergency provisions for the COVID-19 emergency. These provisions would:
 - Authorize the Secretary of Labor and Industry to waive provisions permitted by federal law to ease eligibility requirements and access to compensation for claimants whose unemployment is related to the COVID-19 outbreak;
 - Allow the Department to waive the one-week waiting period for all claimants, as well as the job search and registration requirements;
 - Provide for automatic relief of charges to any employer whose account would otherwise be charged for weeks of unemployment during the disaster emergency;
 - Provide flexibility for reimbursable employers that have not elected to pay the solvency fee to repay benefit charges, including extension of the repayment of benefits from 30 to 120 days from the date of statement of repayment obligation;
 - Grant the Secretary the authority to adopt temporary regulations in order to ensure compliance with federal law;
 - Require the Secretary to utilize available federal funds before spending any other funds made available to address the COVID-19 response;
 - Restrict spending for administrative purposes beyond what is necessary to administer unemployment compensation in response to COVID-19; and
 - Require the Secretary to provide a monthly report to the General Assembly, including the number of unemployment compensation applications processed, approved and denied and a total amount expended. **Passed: 50-0.**

Tax Changes and Money for Medical Supplies

[House Bill 1232](#) (Dunbar) would amend the Fiscal Code to establish the Enhanced Revenue Collection Account as a permanent account in the General Fund and to enact emergency provisions related to the COVID-19 emergency. The legislation would:

- Provide temporary authorization to the Department of Revenue to extend the filing and payment deadlines, and related statutory and regulatory provisions, pursuant to Article III (relating to Personal Income Tax) of the Tax Reform Code of 1971. The Department could also waive any interest, penalty, or additional tax that may have otherwise been assessed or accrued for the failure to file or remit a payment for tax liabilities through July 15, 2020. The authorization would expire July 31, 2020;

- Grant temporary authorization to the Department of Community and Economic Development to coordinate with local governments to extend the filing and payment deadlines for local earned income and personal income taxes to coincide with the extension granted for federal and state income taxes. Any interest, penalty, or additional tax would be waived for the failure to file or remit a payment for tax liabilities through July 15, 2020. The authorization would expire July 31, 2020;
- Permit the Secretary of the Budget to transfer an amount up to \$50 million to a restricted account in the General Fund to acquire medical equipment and supplies for hospitals, nursing facilities, and emergency medical services to meet patient and staff needs to respond to COVID-19. Any funding that may become available from the federal government or that has been made available through the Proclamation of Disaster Emergency issued by the Governor on March 6, 2020 would have to be used prior to any transfers. The Secretary would be required to notify the chairpersons of the Appropriations Committee of the House of Representatives and Senate at least 24 hours prior to any transfers and provide a monthly report beginning June 1, 2020 detailing all spending relating to the COVID-19 response during the preceding month. The authority to transfer funds would expire September 30, 2020;
- Extend the temporary regulations under the Medical Marijuana Act until November 20, 2021, or upon publication of the final-form regulations by the Department of Health, whichever is sooner; and
- Establish the Enhanced Revenue Collection Account as a permanent account in the General Fund. Prior to June 5, 2020 and each June 1 thereafter, Department of Revenue would be required to publish an annual report to the General Assembly with information pertaining to activities and collections for the prior fiscal year. **Passed: 50-0.**

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