

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Tuesday, September 8, 2020

[Senate Bill 835](#) (Langerholc) would create the Unserved High-Speed Broadband Funding Pilot Program to be administered by the Commonwealth Financing Agency. Under the program, nongovernmental entities with the technical, managerial and financial expertise to design, build and operate a high-speed broadband service infrastructure would be eligible to apply for grants for the deployment of high-speed broadband service infrastructure. The nongovernmental entity would have to commit to using a minimum of 25 percent of its private capital to finance a proposed project. Other government grants, loans or subsidies could not count toward the capital investment requirement. Projects that result in “overbuild” or are proposed to be managed or operated by a government entity would be ineligible for funds. Overbuild would be defined as the deployment of high-speed broadband service infrastructure in an area where it has been deployed and offered to the public at the time of the application.

The Commonwealth Financing Authority Board would be required to adopt implementation guidelines with provisions for the submission, review and approval of applications, the awarding of grants and the administration of projects funded under the program. The guidelines would have to be implemented within 180 days of the effective date of the legislation. The Authority would have to make the applications received available for review on its website within five business days of the close of the application period. Within 45 days, a broadband service provider could challenge an application on the grounds it would result in overbuild. In reviewing the applications and challenges, the Authority would have to ensure that the grants are used in unserved areas. All grant recipients would have to maintain full and accurate records for the project and submit a final report of the project to the Authority.

The bill would appropriate \$5 million from the General Fund for the 2020-21 fiscal year for purposes of the program. An additional provision would prohibit the Department of Revenue from awarding a Mobile Telecommunications Broadband Investment Tax Credit after June 30, 2020 and repeal certain sections of the Tax Reform Code as they pertain to the tax credit.

Passed: 50-0.

[Senate Bill 1039](#) (Martin) would amend Title 16 (Counties) of the Pennsylvania Consolidated Statutes to incorporate Act 130 of 1955, the County Code, with minor modifications. The changes would:

- Authorize county commissioners to provide office space outside of the county seat for auditors, commissioners, the controller, the treasurer and the recorder of deeds;
- Authorize county commissioners, with the approval of the president judge, to provide office space outside of the county seat for the conduct of business for the sheriff, prothonotary, clerk of courts, clerk of orphan’s court, register of wills or district attorney;

- Clarify that nothing in the County Code would preclude the use of electronic bidding in accordance with Title 62, Chapter 46 (Procurement); and
- Remove restrictions on counties of the seventh and eighth class from making annual appropriations to fire departments or fire companies who received funds from any township in the county. **Passed: 50-0.**

Wednesday, September 9, 2020

Senate Bill 530 (Martin) would amend the Public School Code of 1949 to protect students who are victims of sexual assault. The legislation would add Section 1318.1 to provide that, if a student is convicted or adjudicated delinquent of sexual assault upon another enrolled student in the same public school, the public school entity would have to take one of the following three actions against the convicted or adjudicated student: 1) expel the student; 2) transfer the student to an alternative education program; or 3) reassign the student to another educational program within the public school entity. The convicted or adjudicated student could not be educated in the same school building, transported on the same school vehicle, or allowed to participate in the same school-sponsored activities at the same time as the victim. A public school entity would not be required to take action if the student does not attend the same school as the victim. Action could be taken for sexual assaults that occur outside the school setting if the sexual assault was: (1) against another student enrolled in the public school entity; (2) has the effect of substantially interfering with the victim's education, creating a threatening or hostile environment; or (3) substantially disrupts the orderly operation of the school.

An offending student could return to the school only if the adjudication/conviction is overturned or if the victim is no longer attending the school entity. A student convicted of sexual assault upon another student enrolled in the same public school entity would be required to notify the public school entity of the conviction no later than 72 hours after the conviction. A public school entity that receives a transfer student who was expelled from a public or nonpublic school for an act or offense involving a sexual assault could assign that student to an alternative assignment or provide alternative education services. Prior to admission to a public school entity, the parent, guardian, or person otherwise responsible for a student would have to provide a sworn statement or affirmation stating whether the student was previously or is presently expelled under the provisions of the section. Each public school entity would be required to develop or update its written policies to comply with the provisions of the section and, in the case of student with disabilities, take all steps necessary to comply with the Individuals with Disabilities Education Act. An additional provision would amend Section 2011-B (relating to school participation in the Opportunity Scholarship program) to exclude a student who has been expelled under Section 1318.1 from the pool of potential recipients of an opportunity scholarship if a school district elects to participate in the program. **Passed: 50-0.**

Senate Bill 869 (Mastriano) would amend the Public School Code of 1949 to provide for a moment of silence on the anniversary of September 11, 2001 and on December 7 to observe the anniversary of Pearl Harbor Day. Beginning with school year 2020-21, and subsequent school years when September 11 occurs on a school day, each school would be required to conduct a

moment of silence during instructional hours to observe the anniversary of September 11, 2001 as a remembrance of those who lost their lives or were wounded by terrorist attacks on that date. The Department of Education would be required to establish a model curriculum for instruction about September 11, 2001 no later than a year after the effective date of the act. The Department would be required to share the curriculum with nonpublic schools upon request. Beginning with the 2021-2022 school year and subsequent school years when Pearl Harbor Day occurs on a school day, each school would also have to conduct a moment of silence during instructional hours to observe the anniversary of Pearl Harbor Day as a remembrance of the military service persons who lost their lives or were wounded by the Japanese attack on Pearl Harbor on December 7, 1941. **Passed: 50-0.**

Senate Bill 968 (Browne) would amend Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to consolidate overlapping duties of the Department of Corrections and the Pennsylvania Board of Probation and Parole. The legislation would transfer the Board of Pardons to Title 61 by adding a new Chapter 73 and making related repeals under the Administrative Code. The Board of Pardons would remain independent, but the Department of Corrections would provide facilities, administrative support, and other assistance to the Board upon request. The measure would also change the name of “The Pennsylvania Board of Probation and Parole” to “The Pennsylvania Parole Board.” The Board would be authorized to establish special conditions of supervision for paroled offenders. Conditions of supervision would have to be based on the risk presented by and the rehabilitative needs of the offender. It would also have the power to promulgate regulations establishing general conditions of supervision applicable to every paroled offender. The bill would permit two-person panels that make decisions on parole, re-parole, return or revocation to meet and take action via videoconferencing with the exception of in-person testimony pursuant to the Crime Victims Act.

The legislation would amend the provisions of Title 61 relating to victim statements and participation in hearings to require the Victim Advocate to provide notice to victims and family members and to the Board. An additional provision would designate parole agents as peace officers and give them police power and authority throughout the Commonwealth. The Department of Corrections would be required to establish statewide standards for supervision or qualifications of probation personnel. The measure would further establish that a “parole violator center” is a type of facility to which a technical parole violator could be sent. A “parole violator center” would be defined as “an area within the secure perimeter on the grounds of a state correctional institution or contracted county jail that has been designated to house offenders detained or recommitted by the board for a technical parole violation.” The appropriation for the Board and the Board of Pardons would each be in separate line items. **Passed: 49-1.**

Senate Bill 1170 (Langerholc) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to allow expert testimony in a criminal proceeding relating to domestic violence. Specifically, the legislation would amend Section 5920(a) to provide that a court may qualify an expert witness in a criminal case regarding: (i) any crime listed under Subchapters H (relating to registration of sexual offenders) and I (relating to continued registration of sexual offenders) of Chapter 97; (ii) an offense under Title 18 Chapters 30 (relating to Human Trafficking) and 31 (relating to sexual offenses); and (iii) a criminal

proceeding for a domestic violence offense. The expert would assist the trier of fact in understanding the dynamics of sexual violence and domestic violence, victim responses to sexual violence and domestic violence, and the impact of sexual violence and domestic violence on victims. **Passed: 50-0.**

Senate Resolution 353 (Regan) designates September 14, 2020 as “EMS Memorial Day” in Pennsylvania. **Adopted: 50-0.**

House Bill 2025 (Struzzi) would create the Pennsylvania Carbon Dioxide Cap and Trade Authorization Act. Under the bill, except for measures required by federal law, the Department of Environmental Protection could not 1) adopt a measure or take any other action that is designed to abate, control or limit carbon dioxide emissions, including an action to join or participate in a state or regional greenhouse gas cap-and-trade program, including the Regional Greenhouse Gas Initiative; or 2) establish a greenhouse gas cap-and-trade program, unless the General Assembly authorizes such a measure by statute that is enacted on or after the effective date of the legislation.

The Department would be required to complete the following before submitting a proposal to the General Assembly:

- Submit for publication in the *Pennsylvania Bulletin* for public comment the proposed action in the form of draft legislation;
- Hold at least four public hearings throughout the state, including areas directly impacted by the proposed regulations; and
- Compile a report, with the information outlined in bill, to be submitted to the Senate and House Environmental Resources and Energy Committees.

Once the public comment period concludes and the Department has submitted the report, it would be required to submit the measure in legislative form to the legislative committees and request that a member introduce the legislation. This action would constitute submitting the measure to the General Assembly. If the legislation is introduced, it would follow the standard legislative process and could be considered by a standing committee if it is referred to the committee. **Passed: 33-17.**

House Bill 2787 (Reese) would amend the Public School Code of 1949 to authorize a school entity to determine whether to hold school sports and other extracurricular activities with spectators in-person and to provide for precautions against the spread of COVID-19. The measure would add Section 1501.1 to grant the governing authority of a school entity or nonpublic school with exclusive authority to determine whether to hold school sports activities and other in-person extracurricular activities during the 2020-2021 school year. The school entity would be required to develop an athletic health and safety plan addressing school sports and other in-person extracurricular activities during the 2020-2021 school year as outlined in the legislation. Among other provisions, the plan would have to include safety protocols for permitting visitors and spectators to attend sports and in-person extracurricular activities. The

plan would have to be posted on the school entity's publicly accessible internet website and submitted to the Department of Education. A school entity could amend its plan as necessary. The measure would also add Section 1416.1 to prohibit a person having any form of COVID-19 in a transmissible stage from being inside a school entity or participating in person in any sports or extracurricular activities. The Secretary of Health and the Secretary of Education would be authorized to issue further guidance to implement this section. **Passed: 39-11.**

Executive Session

Nominations to Boards and Commission, including members of the Pennsylvania Election Law Advisory Board. **Confirmed: 50-0.**

(2020-109)