

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – MARIO M. SCAVELLO, CHAIRMAN

Monday, May 24, 2021

[Senate Bill 82](#) (Brooks) would amend the Automobile Lemon Law to include motorcycles. Under the provisions of the legislation, a manufacturer of a motorcycle would be required to repair or correct a nonconformity which substantially impairs the use, value or safety of the motorcycle, at no cost to the purchaser for a period of one year following the actual delivery of the motorcycle to the purchaser or during the term of the warranty, whichever occurs first. All attempts to correct a nonconformity would have to be made by the same manufacturer's authorized service facility or the purchaser would have to provide a complete set of repair records on the nonconformity to a manufacturer's authorized service and repair facility that has not previously attempted to repair the nonconformity in order for the law to apply. The manufacturer's authorized service and repair facility that performed the repairs would be required to provide an affidavit that the nonconformity had been subject to repair three times. Dual sport motorcycles would not be included. [Passed: 47-0.](#)

[Senate Bill 403](#) (Robinson) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to align the Pennsylvania Fish and Boat Commission's boat registration period with the calendar year. Boat registrations issued on or after the effective date of the act would be valid from January 1 through December 31 of the calendar year. Within 18 months of the effective date, the Pennsylvania Fish and Boat Commission would be required to promulgate and publish in the *Pennsylvania Bulletin* final regulations to implement the act. [Passed: 47-0.](#)

[Senate Bill 521](#) (Mensch) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to increase the grading for a conviction of invasion of privacy when the offender is a teacher and the victim is a student or when the offender is an adult and the victim is a minor. For a first violation, the grading would be increased from a misdemeanor of the third degree to a felony of the third degree. For a second violation, the grading would be increased from a misdemeanor of the second degree to a felony of the second degree. [Passed: 46-1.](#)

Tuesday, May 25, 2021

[Senate Bill 243](#) (Pittman) would amend the Local Option Small Games of Chance Act to allow a licensed eligible organization under the act to conduct and reveal the winners of raffles and drawings via an internet-based conferencing software application during the COVID-19 disaster emergency or until May 1, 2022, whichever is later. The organization could accept payment via a mobile payment service for the conduct of a raffle or drawing but could not accept credit cards. The reveal of the winner would have to abide by the limitations delineated in the legislation. In order to use a mobile payment service, the organization would have to employ a mechanism to determine, among other information, that a participant is located in the state and is 18 years of age or older. [Passed: 47-0.](#)

[Senate Bill 341](#) (Phillips-Hill) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to eliminate regulatory burdens which affect the ability of landline telephone companies to expand into broadband. Specifically, the bill would require the Pennsylvania Public Utility Commission (PUC) to publish an order within 30 days which permanently waives the regulations identified in the legislation. The PUC would be required to undertake a review of all regulations (other than those specifically exempted) applicable to telecommunications carriers every three years. The Commission would have to rescind regulations that are no longer necessary or in the public interest. Any new regulations applicable to telecommunications carriers would have to be supported by factual findings and determinations, based on an evidentiary record, demonstrating a need for the regulation and benefits that outweigh the cost to comply with and enforce the regulation.

An additional provision would require the Commission to contact the local exchange telecommunications company regarding a customer issue or dispute to allow the company to make a good faith effort to resolve the matter. If it cannot be resolved in 30 days, the local exchange telecommunications company would have to inform the PUC so it could advise the customer on mediation before the Commission. Finally, the legislation would require the local exchange telecommunications company to make a good faith effort to establish a mutually agreeable date and appointment window for customer voice service installation or repair appointments. [Passed: 28-19.](#)

[Senate Bill 426](#) (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 the 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: 27-20.](#)

[Senate Bill 442](#) (Phillips-Hill) would create the State-owned Assets and Broadband Services Act to require the Department of General Services (DGS) to include in its inventories and surveys of real estate structures and assets information on the possible use of those assets for fixed or mobile broadband services. The Department or its designee would be required to use this information when analyzing the resources available to provide broadband services in underserved and unserved areas. The legislation provides that counties could prepare and periodically update an inventory of county-owned assets available for use to provide broadband services in underserved and unserved areas. A county inventory would have to be transmitted to the Department for consideration when it is analyzing the resources available to provide broadband services in underserved and unserved areas. Further, a state agency having responsibility for an asset could lease or convey a license or other interest in the asset to permit its use by a qualified broadband service provider to deploy broadband services in an underserved or unserved area.

The Broadband Services Restricted Account would be established in the General Fund. All revenue from leases, licenses or other interests in assets authorized by the act, as well as certain contracts identified in the legislation, would be deposited in the Broadband Services Restricted Account. The money in the Account would be appropriated on a continuing basis to DGS for the purpose of deploying high-speed broadband services in unserved or underserved areas. The Department or its designee would be required to adopt guidelines for the qualifications for broadband service providers and negotiating and finalizing site occupancy agreements. The Department or its designee would have to identify an appropriate timeline of no more than 90 days for approval of site occupancy agreements. The Pennsylvania State Police would have jurisdiction over the Statewide Mobile Radio and Microwave System. Proceeds from the lease or licensing of a tower or other asset of the Statewide Mobile Radio and Microwave System would be used for the purpose of maintaining and improving the system. The act would not apply to the Pennsylvania State Police or the Pennsylvania Historical and Museum Commission. [Passed: 27-20.](#)

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 47-0.](#)

Wednesday, May 26, 2021

[Senate Bill 28](#) (Phillips-Hill) would create the Permit Administration Act to provide for the management, tracking and oversight of permit applications by state agencies. Under these provisions, state agencies would be required to:

- Review permit decisions and permit decision delays during the immediately preceding calendar year and submit a report of findings to the General Assembly;

- Compile, maintain and make available a complete list of all permits issued by the agency. The list would have to be transmitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and posted on the agency's website;
- Establish, maintain, and make available a secure tracking system for applicants to track the status of applications on the agency's website. The agency would have to notify and provide guidance to applicants about the tracking system;
- Provide notice within a specified period of time to an applicant when it finds an application is incomplete (10 business days) or technically deficient (20 business days) with an explanation of its determination;
- Notify a permit holder of the expiration date of a permit 60 days before its expiration, a change to a statute or regulation which may affect the permit or a change in permit fees which may affect its renewal; and
- Establish a program to review permit decision delays and resolve issues causing permit decision delays through referral to a contracted third-party professional for review and resolution.

The legislation would clarify that a permit issued prior to the effective date of a statute or regulation altering the requirements for the permit would remain valid under the provisions by which the permit was granted, unless otherwise agreed to by all parties. No later than January 31 of each year, state agencies would be required to report to the General Assembly on the issuance of permits from the immediately preceding calendar year, including the number of applications reviewed by a third-party professional. Nothing in the act could be construed to limit or otherwise alter a state agency's authority to revoke a permit for failure to comply with the laws of the Commonwealth. **Passed: 28-20.**

Senate Bill 126 (Brooks) would amend the Regulatory Review Act to require that, after an economically significant regulation has been in effect for three years, the agency would have to report to the Independent Regulatory Review Commission (IRRC) on the status of the regulation, the impact of the regulation on the regulated community, and the cost to the Commonwealth. On the same day that the agency submits the report to the IRRC, it would be required to submit a copy of the report to the respective legislative committees and send notice of the report to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The IRRC would be directed to collect comments from the public on the regulation during a 30-day public comment period. Within 30 days of the close of public comment period, the IRRC would report to the agency and committees whether the regulation continues to be in the public interest and if changes should be considered. An "economically significant regulation" would be defined as a regulation that, if promulgated and implemented, may reasonably be expected to result in direct or indirect costs to the Commonwealth, to its political subdivisions and the private sector in excess of \$1 million on an annual basis. **Passed: 27-21.**

Senate Bill 520 (DiSanto) would amend the Regulatory Review Act to eliminate the existing provision allowing a Commonwealth agency to submit a fiscal note prepared by the Office of the

Budget to the Independent Regulatory Review Commission (IRRC) relating to the cost of proposed regulations. The legislation would require that estimates of the costs of regulations be verified by the Independent Fiscal Office prior to the agency submitting the estimates to the IRRC. The measure would further stipulate that if the regulation is an economically significant regulation, a concurrent resolution adopted by the General Assembly would be required to approve it. The Senate and the House of Representatives would each have 30 calendar days or 10 legislative days, whichever is longer, from the date on which the agency requested the concurrent resolution to adopt the resolution. If the General Assembly does not adopt the concurrent resolution in the time prescribed, the final-form regulation or final-omitted regulation would be deemed not approved, and the regulation would not take effect. This provision would not apply to emergency-certified regulations. An “economically significant regulation” would be defined as a regulation that, if promulgated and implemented, may reasonably be expected to result in direct or indirect costs to the Commonwealth, to its political subdivisions and the private sector in excess of \$1 million on an annual basis. An additional change would modify the definition of “regulation” to clarify that the term includes revision to a general permit as defined in the act. **Passed: 27-21.**

House Bill 832 (Boback) would designate the bridge, identified as Bridge Key 37135, located on Pennsylvania Route 92 over the Susquehanna River in Falls Township, Wyoming County, as the Falls Veterans Memorial Bridge. **Passed: 48-0.**

House Bill 1101 (Warner) would designate the portion of Pennsylvania Route 981 from the intersection with Pennsylvania Route 819 to the intersection with State Route 2021 in Mount Pleasant Township, Westmoreland County as the Honorable Mike Reese Memorial Highway. **Passed: 48-0.**

(2021-084)