

United Methodist Advocacy in Pennsylvania June 30, 2020

June 2020 was an eventful time for our nation. Following are some key words for this month: Floyd Funeral, COVID-19 Increase, Black Lives Matter, Tulsa, Wear a Mask (?), John Bolton, Juneteenth, Abortion Ruling, Chesapeake Energy—Enough said.

Compared to the previous two months, things picked up in Pennsylvania government. Unfortunately, much of that activity continued to be based on political partisanship. The pandemic, past, present and future still looms large. Law Enforcement legislation that had been languishing has been moved to the forefront. A primary election involving new protocols took place and resulted in what appears to be a slight shift to the left.

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Grand Jury Results on Fracking

On June 26, Pennsylvania Attorney General Josh Shapiro released the results of a two-year Grand Jury investigation of the fracking industry. The investigation found there was systematic failure of government oversight of unconventional oil and gas operations.

The scathing report describes health and safety issues caused by hydraulic fracturing and accuses the Pennsylvania Department of Environmental Protection (DEP) of being cozy with the industry and failing to enforce regulations.

The report recommended expanding no-drill zones in Pennsylvania from (currently required) 500 feet to 2,500 feet, requiring disclosure of all chemicals used in drilling and hydraulic fracturing, enacting regulation of gas transport pipelines. Furthermore, it recommended requirements for safer transportation of contaminated fracking waste, conducting a comprehensive health response for those living near drilling sites, limiting the ability of DEP employees to be hired by the private sector after leaving the Department. The report also proposes that the office of the Attorney General have primary criminal jurisdiction over unconventional oil and gas companies.

In response to the Grand Jury, the DEP defended its efforts to regulate the fracking industry and stated that the report presented “an inaccurate and incomplete picture of Pennsylvania’s regulatory program and how it is being

implemented today...(making) recommendations that are ultimately unproductive and/or inappropriately directed to the DEP.”

David Spigelmyer, president of the Marcellus Shale Coalition, said in a statement that the industry stresses environmental safety and public health, and that anyone who suggests otherwise “should better understand the facts.”

Shapiro has announced criminal presentments against two fracking companies.

Wolf Addresses Community Relations and Law Enforcement

On June 4, in reaction to mass protests and riots over several days in Pennsylvania, Gov. Tom Wolf announced policies intended to improve law enforcement relations with the community and strengthen training and accountability. The protests were part of a nationwide movement following the death of George Floyd, an African American, while being subdued by a white Minneapolis police officer, Derek Chauvin, on May 25.

Gov. Wolf said during a news conference, “Today, I am taking steps to address concerns about community relations with law enforcement as well as strengthen accountability of our agencies.” He noted the effort was to begin immediately.

This will include the creation of a deputy inspector general within the Pennsylvania Office of State Inspector General (OSIG) to focus on law enforcement agencies under the Governor’s jurisdiction; creation of a Pennsylvania State Law Enforcement Advisory Commission that reviews allegations of misconduct by law enforcement personnel under the governor’s jurisdiction; technical assistance for municipalities to come from the Pennsylvania Commission on Crime and Delinquency (PCCD) to encourage the creation of local citizen advisory boards; creation of a Racial and Ethnic Disparities Subcommittee under the Criminal Justice Advisory Committee (CJAC) at PCCD; review and development of training and education standards for law enforcement; enhancing law enforcement officer safety and wellness, to include mental health supports; and advocating legislative reforms, such as expanded access to police videos, an oversight board for officer training and continuing education, a special prosecutor in deadly force cases, interdepartmental law enforcement hiring reform and PTSD evaluation for police officers.

The Pennsylvania State Troopers Association (PSTA) said Wolf’s position was a slap in the face to the state’s law enforcement officers. “What happened to George Floyd was horrific and wrong. There isn’t a single state trooper who disagrees. But what Gov. Wolf is saying today is the Pennsylvania State Police, and all law enforcement in our commonwealth, are no better than those charged with Mr. Floyd’s death,” reacted PSTA President David Kennedy. “So, here is a message to the people of Pennsylvania: Troopers go to work every day knowing they may not return home to our loved ones. This is a sacrifice we accept because we have sworn an oath to uphold the laws of the commonwealth and the United States, without any consideration of class, color, creed or condition. We live by this oath and are dedicated to protecting you, our fellow citizens, and the rule of law. And that will never change.”

When told of the PSTA statement, Wolf responded that he’s not comparing Pennsylvania’s law enforcement officers with those who were involved in George Floyd’s death.

The Commonwealth’s largest organization of sworn law enforcement officers, the Pennsylvania State Lodge Fraternal Order of Police, said it supports working to improve law enforcement relations with the community. “There is no place for racism in our profession or our society. Every person is created equal and thereby entitled to the exact same application and protection under the law. The 40,000 men and women of the PA FOP have taken an oath to uphold the Constitution, as well as to protect and serve the citizens of this commonwealth,” said PA FOP State Lodge President Les Neri. Neri commented further, “The PA FOP is fully aware that this incident in Minneapolis has diminished the trust and respect that many in our communities have for the men and women of law enforcement. We are firmly committed to working with stakeholders to create an environment of healing, understanding and trust.”

Policing Reform Bills

On June 24, the state General Assembly advanced four policing reform bills. The House unanimously passed House Bills 1841 and 1910. The Senate unanimously passed Senate Bills 459 and 1205. Some lawmakers observed that this was a first step in reforming policing procedures, with more needing to come.

The Legislative Black Caucus had supported four policing reform bills introduced over a year ago. The bills languished in committee. But, it would appear that recent events, triggered by the killing of George Floyd, awakened the consciousness of many legislators.

HB1841 would require background checks on law-enforcement applicants and require employers to provide employment information to a law-enforcement agency conducting a background check on an applicant. It also requires the establishment and maintenance of an electronic database so law enforcement officials can access the separation records of police officers. The bill was sponsored by Harry Readshaw (D-Allegheny).

HB1910 would require mental-health screening for law-enforcement officials. It would also require training on implicit bias, deescalation, and harm-reduction techniques. The bill was sponsored by Rep. Dan Williams (D-Chester).

Both bills were endorsed by the Pennsylvania State Troopers Association.

United Methodist Advocacy in PA also supported both bills.

Rep. Jordan Harris (D-Philadelphia) said passing these police-reform bills will be a defining moment for many of their legislative careers, touching on the historic nature of Black Lives Matter protests across the nation.

SB459 mandates that all municipalities keep records of use-of-force incidents, including the reason for the use of force and any injuries inflicted. The bill was sponsored by Senate Minority Leader Jay Costa (D-Allegheny).

SB1205 bans law enforcement officers from using chokeholds and requires police departments to publish use-of-force policies for the public to access. The bill is sponsored by Sen. Sharif Street (D-Philadelphia).

All four bills cross to the other chamber for approval to be sent to Governor Tom Wolf.

Senate Hearing on Law Enforcement

On June 18, the state Senate Judiciary Committee and Senate Law and Justice Committee completed a joint two-day hearing related to law enforcement and criminal justice issues. The committees heard testimony from six panels with sometimes differing perspectives.

During the first day, senators heard from representatives from law enforcement and police advocacy groups regarding deescalation, implicit bias and use of force techniques. State Police Lt. Col. Christopher Paris noted, “I can assure you that the George Floyd incident is on the lips and in the ears of every member of the Pennsylvania State Police. I can also assure you that we are not about employing or utilizing any force...that is not necessary in order to achieve lawful restraint.”

David Harris of the University of Pittsburgh School of Law said that police use of excessive force is under-reported. Kelly Hodge, an attorney and former Philadelphia County district attorney, said police misconduct happens “regularly” in poorer and minority neighborhoods.

David Kennedy, president of the Pennsylvania State Troopers Association, said that he does not believe the relatively few complaints against officers for abuse of power are under-reported. He said he takes “offense” at the degradation of well-intentioned police officers.

Carl Bailey of the International Brotherhood of Teamsters, said calls to defund the police are irresponsible. He noted that he doesn’t know any department that still practices chokeholds, and while “everyone” is appalled at Floyd’s death, the few officers who acted heinously don’t represent all cops. He added, “A lot of the reforms you want, these agencies have been practicing for years.”

Riya Saha Shah of the Juvenile Law Center said Pennsylvania employs a “justice by geography” strategy when dealing with public defense. Individual counties are left with the burden of funding and supporting public defenders, creating an imbalance in adequate criminal defense. Representatives from the Juvenile Law Center also recommended removing police officers from schools and investing in counselors.

Other issues that were heard include police union contracts, general transparency, continuing education requirements, the use of body cameras and the creation of an independent oversight committee.

The contrast of some perspectives was apparent to Sen. Art Haywood (D-Philadelphia). “This is a dramatic demonstration of the real challenge that the commonwealth faces,” Haywood said. “If I was from another planet, I would not have any sense at all that we were talking about the same people.”

It was observed that the hearings ended with a sense that movement in this area was necessary. “This is the time for action. I implore you to act now,” said David Harris.

Struggle Over Pandemic Emergency Declaration

On June 10, the General Assembly adopted **House Resolution 836**, attempting to terminate Gov. Tom Wolf’s pandemic emergency declaration. On the same day, the House voted 121-81 and the Senate voted 31-19 to approve the resolution.

But, the majority House Republicans indicated they don’t intend to present the resolution to the Governor, because they say by state law he must comply with the termination. The Wolf administration disagrees, saying the resolution must come to his desk for approval—which he will not give, anyway.

The Governor cites Section 9, Article III of the Pennsylvania Constitution, stating, “Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.”

“When the concurrent resolution is presented to him, as the Constitution requires, he will disapprove it,” said Wolf spokeswoman Lyndsay Kensinger.

Legislative Republicans argue the resolution does not require Wolf to approve it, citing Section 7301(c) of Title 35 (Health and Safety), which delineates the governor’s power to declare disaster emergencies. Within that section are the sentences, “The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency.”

“He does not have the right to veto,” said Jenn Kocher, spokeswoman for Senate Majority Leader Jake Corman, (R-Centre). “We believe it doesn’t need his signature. So, likely this heads straight to court,” said Mike Straub, spokesman for (then) House Majority Leader Bryan Cutler (R-Lancaster).

Wolf and his General Counsel Gregory Schwab said the administration would be going to court to get clarification as to whether Wolf has to comply with the Legislature’s termination of the declaration, though they believe the resolution to be meaningless.

In fact, the Senate Republican Caucus immediately filed a suit in Commonwealth Court to force the governor to issue a proclamation ending the state of disaster emergency. The Wolf Administration, in turn, is asking the state Supreme Court to rule on the matter, filing through the Office of Attorney General, asking the high court to exercise King’s Bench power—which the Supreme Court can do if it deems an issue to be of “immediate public importance.”

Wolf contends that the Senate Republican Caucus’s demand is unconstitutional.

Resolution to Impeach Governor

On June 16, Rep. Daryl Metcalfe (R-Butler) introduced House Resolution 915, calling for the impeachment of Gov. Tom Wolf. The resolution has 24 Republican co-sponsors, from the total 203 member state House of Representatives. HR915 contains five articles of impeachment. In May, Rep. Metcalfe declared that he was planning to sponsor such a resolution.

In a press release, Metcalfe issued the following statement:

“While these are certainly unprecedented and chaotic times, Gov. Tom Wolf must be held accountable for his actions that have harmed so many of our citizens and violated so many of our rights. Wolf’s unconstitutional dictates and Orwellian overreach into our lives and the marketplace has caused immeasurable harm and hardship for far more Pennsylvanians than the virus!...We cannot and should not dismiss the social and economic impacts of more than 2 million citizens being forced to file for unemployment; countless families unable to put food on their tables; infringements on free speech, peaceful assembly and private property rights; increasing suicide rates; and the growing list of job-creating businesses that will never recover from the governor’s arbitrary, non-transparent and extreme stay-at-home and business shutdown orders....The time for Wolf’s impeachment is now!”

The articles of impeachment can be viewed online:

http://www.repmetcalfe.com/Display/SiteFiles/422/OtherDocuments/2020/3159_001.pdf

Fall Reopening of Schools

On June 17, the state House Education Committee heard testimony from both public school and non-public school educators regarding the efforts underway to start the 2020-2021 academic year. Educators reported that there were many unknowns resulting from the coronavirus pandemic, including higher costs to open and operate schools in the fall.

The hearing came two weeks after the state Education Department announced that elementary and secondary public schools in Pennsylvania can reopen starting July 1, provided they have health and safety plans in place. The plans are to address issues ranging from social distancing, wearing masks, protecting high-risk students and employees and restricting large assemblies.

The \$25.1 billion stopgap state budget for Fiscal Year 2020-21 adopted earlier this month provides level state funding for secondary and higher education. However, increased costs and an anticipated drop in local tax revenue, because of the slowed economy, is likely to result in net insufficient school funding.

Some of the issues mentioned were hybrid schedules (splitting in-person and remote learning), transportation shift arrangements, classroom downsizing, cleaning and disinfecting, acquiring sufficient digital technology, lunch scheduling, increasing school counselors, and more. Schools will also need to be prepared for another closing if the virus has a resurgence in the fall and winter. All of this in an environment populated with children. Lawrence Jones Jr., CEO of Richard Allen Preparatory Charter School in Philadelphia observed, "Social distancing sounds great on paper." The question is how will it work in reality.

Proposed Grant for Food Processors

On June 23, the state Senate Agriculture and Rural Affairs Committee voted unanimously to support **House Bill 2435**, creating a grant program to reimburse food establishments for costs providing personal protection equipment to employees and cleaning of their premises, as a result of the COVID-19 pandemic.

The bill now goes to the full Senate. The House passed the bill unanimously in April.

Bill sponsor, Rep. Bridget Kosierowski (D-Lackawanna) said the measure would protect food industry workers and help maintain a safe food supply.

Pandemic's Effect on State Revenue

The coronavirus pandemic has had a negative effect on Pennsylvania's revenue stream—as one might expect. This is mainly due to reduced consumer spending and a slowed economy, as well as delayed tax payment schedules.

At this writing, the most recent statistics are from May. May's General Fund revenues were \$439.7 million (17.3 percent) less than anticipated, as reported by the state Department of Revenue. However, not as bad as April, when revenues were \$2.2 billion (50 percent) short.

Year-to-date revenue is \$2.6 billion (8.2 percent) short. But, a significant portion of that is expected to be recovered in the upcoming 2020-21 Fiscal Year, because of delayed tax due dates.

COVID-19 Testing in Care Facilities

On June 11, the House Aging and Older Adult Services Committee met to examine the handling of coronavirus measures in Pennsylvania's long-term care facilities. Over 4,000 long-term care Pennsylvania residents have died from the virus. Testing for the virus was the focus of the discussion.

Nina O'Connor, associate professor of clinical medicine at the University of Pennsylvania, said testing has to be the most important part of the strategy to slow the spread. She said, "As a physician, I believe it's our single most impactful intervention to stop nursing home spread and to reduce the impact of this virus on our elders." She related that care facilities are grappling with other key challenges, as well, including acquiring sufficient personal protective equipment, meeting the costs of testing residents and staff, and having the manpower to both conduct tests and meet staffing requirements should employees fall ill.

Dr. O'Connor added, "The biggest challenge remains testing capacity. Despite all the progress we've made with our public health laboratories and our commercial laboratories, we still lack sufficient testing capacity."

The committee heard from Regina Lamendella, a co-owner of Contamination Source Identification (CSI), who proposed her laboratory's idea of pooled testing as one potential solution to reduce the burden and minimize costs of mass testing. Pooled testing is when multiple samples are tested at once, and individual samples are only tested if the group test is positive. Rapid testing and reporting is important to virus containment, including contact tracing efforts and quarantining for individuals who have tested positive.

Both Lamendella and O'Connor said universal testing is important, but the frequency at which it is done is the big question. O'Connor said on the "up side" of the curve, weekly universal testing makes sense, but may not be necessary at a time at which there is no outbreak and no resident is exhibiting symptoms.

Virus testing capacity continues to be limited.

PASSHE Universities have Flexibility for Reopening

Each of the 14 universities of the Pennsylvania State System of Higher Education (PASSHE) are separately announcing their plans to reopen this fall, under various conditions. The decision to give the universities flexibility to plan locally for instruction during the coronavirus pandemic was made at a PASSHE board meeting early in June. It reflects a recognition that the universities face unique circumstances in meeting the challenges of the pandemic. The plans are being developed by each university president consulting with the local community, other system universities and the chancellor's office.

Each university will decide to what extent they want to provide face-to-face instruction as classes resume this fall. Many universities are pursuing a "hybrid" strategy with a combination of in-person classes and remote instruction. Masks and social distancing need to be part of the reopening strategy, as are decisions on residence halls and dining areas.

PASSHE Changes

On June 24, the state House concurred on amendments from the Senate, sending **House Bill 2171** to the Governor's desk. HB2171 would make deep and sweeping reforms in the Pennsylvania State System of Higher Education (PASSHE). The bill's prime sponsors, Reps. Meghan Schroeder (R-Bucks) and Jesse Topper (R-Bedford) said the changes are necessary to help address the challenges that threaten the sustainability of the system.

"It is vitally important the system is given the means to continue to deliver valuable educational opportunities to Pennsylvanians while also protecting taxpayers," said Rep. Topper (a United Methodist).

"This bill represents some of the most significant improvements to how the State System operates in our 38-year history," PASSHE Chancellor Dan Greenstein said.

The bill was approved unanimously by the House and 47-3 by the Senate. The measure is intended to guarantee access to an affordable education for Pennsylvania students, and ensure that changes to the system are completed with full transparency and accountability.

There are 14 state universities in PASSHE. It is attempting to redesign its system to adapt to changing trends in higher education, such as declining enrollment and lower state aid. Greenstein had previously told the Senate Education Committee that the system's goal is to finish its redesign plan in two years. The redesign calls for all 14 universities to share services, operate under a system-wide academic plan, open courses at each university to all system students, establish ties to community colleges and school districts and create more opportunities for adult learners.

Primary Election

June 2 was primary election day in Pennsylvania. It was unprecedented, as it included vote-by-mail, use of new voting systems and pandemic safety measures. The first two changes were part of Act 77 of 2019, overhauling the state election law, enacted last October.

On the day before the election, Secretary of the Commonwealth Kathy Boockvar said, “This will be an election like no other. It brings unprecedented challenges.”

The next day, after polls closed, Boockvar observed, "Today, we marked two major milestones in Pennsylvania's electoral history. For the first time, Pennsylvania voters could vote by mail-in ballot without having to provide an excuse, and they did so in impressive numbers. And all 67 counties have now deployed new, more secure and accessible voting systems with voter-verifiable paper ballots. I am extremely thankful for and proud of Pennsylvania's dedicated election officials, poll workers and, of course, voters."

As it turned out, in some places, mail-in ballots were still being counted two weeks after the election—partly a result of a vote counting extension by executive order of Gov. Tom Wolf.

During this primary, voters cast ballots to nominate candidates for the statewide offices of attorney general, treasurer and auditor general, the 18 congressional districts, all 203 House seats, the 25 odd-numbered Senate seats and elect delegates and alternates for the Democratic and Republican presidential nominating conventions.

In the only statewide election under contention, Michael Lamb won the Democratic nomination for Auditor General by a 32.25 percent plurality in a six-candidate race. His Republican opponent in the fall general election will be Timothy DeFoor.

In November, incumbent Attorney General Josh Shapiro, Democrat, will be challenged by Heather Heidelbaugh, Republican. Incumbent State Treasurer Joe Torsella, Democrat, will be challenged by Stacy Garrity, Republican.

Study of June 2 Election

On June 18, Gov. Tom Wolf signed into law **House Bill 2502**—now Act 35 of 2020—requiring the Pennsylvania Department of State to publish a report on the June 2 primary election for the purpose of identifying problems to be averted in November’s general election. The report will identify changes needed in the state’s Election Code.

“Despite a pandemic, Pennsylvania had a safe and successful primary election, but improvements can always be made,” said Gov. Wolf. “Thanks to historic election reform last year, voters were able to embrace new mail-in voting and use new voting machines. Now we must prepare for the presidential election and the huge turnout that is expected in November.”

The report will include data points from each county in the Commonwealth, such as the number of applications for an absentee ballot that were approved and received, the number of applications for a mail-in ballot that were approved and received, the number of mail-in and absentee ballots that were voted by electors, the number of qualified electors voting by a provisional ballot and more.

In many areas of the state, results of the June 2 primary were delayed for several days because of last-minute changes ordered by Wolf regarding the receipt and counting of mail-in ballots.

Tweaking the Election Process

On June 24, House Majority State Government Committee Chairman Garth Everett (R-Lycoming) said that his committee is working under a tight time-frame to pass new election code bills to address lessons learned from the primary election, earlier this month. The committee has started the process by approving new bills to be

considered in the House, dealing with the absentee ballot process and culling names of deceased individuals from voter rolls.

Rep. Everett said the discussions will continue during the summer recess, because changes to the voting process must be completed in time for county election officials to implement them before the November 3 general election.

Discussions on the matter will involve the House, Senate, Department of State and the County Commissioners Association of Pennsylvania (CCAP).

Pennsylvania's June 2 primary was the first with widespread voting by absentee ballot and mail-in ballots, authorized under an election code overhaul enacted last year. It took days to declare the winner of many primary races because of the time needed to count the absentee and mail-in ballots.

Though Gov. Tom Wolf signed a law earlier this month requiring the Department of State to issue a report on the primary election by August 1. CCAP has urged lawmakers not to wait for that report to start work on new election bills. CCAP said bills should address the voting process, voter education and retention of poll workers.

Turzai Resigns Speakership

On June 10, Pennsylvania House Speaker, Mike Turzai (R-Allegheny) announced that he would resign as of June 15. In making his announcement to the afternoon House session, Turzai said, "But I'm a steward. Now it will be someone else's turn. And that's for the good."

Rep. Turzai, 60, has served as speaker since 2015, the top constitutional office in the House. He announced last January that he wouldn't seek reelection to the 28th House District seat that he has represented since 2001. At that time, Turzai expressed his interest in a private sector job.

On June 10 Turzai said, "I want to go into the private sector and help the economy recover." But, he didn't mention what that might entail. It was later revealed that Turzai took a position as general counsel for Peoples Natural Gas Company.

Turzai's endorsed successor for the 28th District, Rob Mehuri, won the Republican nomination for the seat in the June 2 primary. Mercuri will face Democratic nominee Emily Skopov in the general election in November.

House Majority Leader Bryan Cutler (R-Lancaster) praised Turzai for having a lasting impact on his district and the state. House Minority Leader Frank Dermody (D-Allegheny) said Turzai had worked to make the state run.

Turzai served as an assistant district attorney in Allegheny County. He won a special election in 2001 to begin his House career. He was elected House majority leader in 2011 and then became speaker in 2015 after Sam Smith's retirement.

During his legislative career, Turzai has been a voice for conservative causes and a strong advocate for legislation to privatize the state-owned liquor system, restrict abortions, provide taxpayer support for private and religious schools, reduce state debt, and help the natural gas industry.

In recent months Turzai has clashed with Democratic Gov. Tom Wolf over the latter's use of executive power to close businesses and issue stay-at-home orders during the pandemic emergency. Turzai has pushed legislation to reopen Pennsylvania's business sector ahead of Wolf's phased-in recovery plan. The governor has vetoed many of the reopening bills that reached his desk.

Turzai discussed his advocacy in the farewell speech saying he approached public policy by trying to understand the perspectives of other people and realizing that each person has dignity.

Cutler Becomes New House Speaker

On June 22, Rep. Bryan Cutler (R-Lancaster) was chosen as the 141st Speaker of the House, to replace Mike Turzai. Turzai resigned earlier in the month to take a position as general counsel for Peoples Natural Gas Company. The Speakers term will last until the conclusion of the current legislative session, November 30.

Rep. Cutler, 45, was elected to the House in 2006, after working in the health care field and as an attorney in health care law. He was elected House majority leader in 2019. Before that, he served as majority whip.

House Minority Leader Frank Dermody (D-Allegheny) was also nominated for speaker in a mainly symbolic move. The House roll call showed a 110-91 vote to elect Cutler. Dermody then moved to make Cutler's election unanimous and the House Chief Clerk declared it to be so. After a short speech upon receiving the gavel, Cutler said, "And let us do our work together."

Cutler's move to Speaker led to a shuffle in other leadership posts in the House Republican Majority Caucus. The caucus elected Rep. Kerry Benninghoff (R-Centre)—a United Methodist—as majority leader to replace Cutler. Rep. Donna Oberlander (R-Clarion) replaced Benninghoff as majority caucus whip. Rep. Martin Causer (R-McKean) was elected Majority Policy Committee Chairman succeeding Oberlander.

The start of a new legislative session next January will bring new leadership elections, determined by which party is in control.

Rural Broadband

On June 22, the state Senate Communications and Technology Committee advanced three broadband accessibility bills. Senate Bill 835 would increase funding for broadband in under-served areas. Senate Bill 1118 and House Bill 2438 (the two bills have identical language), would allow broadband expansion using existing infrastructure.

According to a 2018 report from the Center for Rural Pennsylvania, an agency of the Pa. General Assembly, over 800,000 residents in Pennsylvania do not have access to broadband connectivity. The study showed that there are no counties in the state where at least 50 percent of the population is receiving broadband connectivity, as defined by the Federal Communications Commission.

The bills are primarily intended for rural areas, where broadband is most needed. The problem has been exacerbated by the pandemic.

Deregulation Proposals

On June 10, the state Senate Intergovernmental Operations Committee approved bills to cut regulation and permitting processes. The vote was cast along party lines, with the Republicans in the majority. The Republicans argue that the state is overly burdened with regulations that hamstring small businesses from opening, receiving permits and complying with state law.

The bills now go before the full Senate.

Senate Bill 251 would create an Independent Office of the Repealer to evaluate and process recommended regulations. The office would provide recommendations to the legislature, governor and executive agencies for repeal, modification or revision of existing regulations. The bill would institute a one-in, two-out policy: for every new regulation added, two must be repealed.

Senate Bill 119, named the Red Tape Reduction Act, charges the Independent Regulatory Review Commission (IRRC) with counting, capping and cutting the amount of regulations in the state. It orders a six-month review to identify how many regulations exist and also implements the one-in, two-out model regarding new regulations.

Criticizing the bill, Sen. Wayne Fontana (D-Allegheny) commented, "I think it would be more understandable to ask each agency to look at their existing regulations and come up with a list that could be eliminated and vote on those repeals, versus forcing two regulations to be eliminated just because one new one is added."

Senate Bill 252 would alter the permitting process for state agencies with the goal of increasing transparency for businesses applying for permits. An agency would be required to post information about the permits they grant on its website, create a tracking system for applicants to check the status of a permit, state the legal reasoning behind a rejection and include a contact person assigned to answer questions.

Sen. Doug Mastriano (R-Franklin) said he constantly hears from constituents complaining about the hours and time spent reading regulations, changing designs to meet regulations and inquiring why it takes so long to get a permit. He argued, "The bottom line is, you apply for a permit, you have a right to know where it is in the process."

Fontana countered by saying that many agencies already have an online tracking system. He noted that every project is different in scope and timeline, and that some permits are routine and are not entered into the database.

Senate Bill 253 would have agencies designate an employee as the regulatory compliance officer, who would work to solve noncompliance issues before penalties are assessed.

Fontana said, “It just seems to me having only one individual designated as a business contact would make it nearly impossible for that individual to be able to handle the volume of requests, so to me it slows down the process.”

Mastriano said the legislation would streamline collaboration between a state agency and a business, and said it’s time the state stopped hurting and started helping businesses.

This all is starting to sound like the pre-pandemic good old days.

Berks Detention Center

On June 26, a federal judge ordered the release of children held in family detention by U.S. Immigration and Customs Enforcement (ICE) in Berks County and two Texas locations.

U.S. District Judge Dolly Gee’s order applies to children being held more than 20 days. Though some have been detained since last year. Gee cited the spread of the coronavirus in the two Texas facilities and set a deadline of July 17 for release.

Gee is overseeing a long-running court settlement directing the U.S. government’s treatment of immigrant children, known as the Flores agreement.

The Berks County Residential Center in Bern Township, as well as the two Texas centers, contain children and parents together. Gee’s order said ICE was holding 124 children at the three locations. These are not to be confused with U.S. Department of Health and Human Services facilities for unaccompanied children, holding about 1,000 children (as of the first of June)--the numbers in both systems have fallen significantly, because the U.S. is now expelling most people trying to cross the border or requiring them to wait for their immigration cases in Mexico.

The judge’s order does not directly apply to the parents detained with their children. The children are to be released either with their parents or sent to family sponsors. In court filings last month, ICE said it considered most of the people in family detention to be flight risks, because they had pending deportation orders or cases under review.

In reaction to the order, Gov. Tom Wolf’s office stated, “The Wolf Administration applauds the order... Wolf has been clear and consistent in opposing the facility’s use for family detention.”

Pennsylvania U.S. Sen. Bob Casey said it shouldn’t have taken a pandemic to “treat children with basic compassion.” As he has in the past, Casey called for the permanent closure of the Berks detention center. “Enough is enough. There’s no legitimate reason to hold children and families in detention... The job of government is to protect children, not incarcerate them.” He said further, “I have never known a child to be a threat to national security.”

United Methodist Advocacy in PA has been following events at the Berks Center for five years.

Dai Morgan