AMENDMENTS TO SENATE BILL NO. 841
Sponsor: SENATOR CORMAN
Printer's No. 1410

Amend Bill, page 1, line 1, by striking out "Title" and inserting "Titles"
Amend Bill, page 1, line 1, by inserting after "Safety)"
and 42 (Judiciary and Judicial Procedure)
Amend Bill, page 1, line 6, by striking out the period after "indigent" and inserting "; providing for COVID-19 disaster emergency; in local organizations and services, further providing for general authority of political subdivisions; and, in Uniform Unsworn Foreign Declarations Act, further providing for heading of chapter, for short title of chapter, for definitions, for applicability and for form of unsworn declaration.
Amend Bill, page 2, by inserting between lines 16 and 17 3317. Expiration.
Amend Bill, page 40, by inserting between lines 28 and 29 (c) COVID-19 disaster emergency report.-- (1) The council shall prepare a report to provide a Pennsylvania-perspective on the effect of the COVID-19 disaster emergency on hospitals and health care facilities in this Commonwealth by aggregating data related to COVID-19 expenses and lost revenue reported by hospitals and health care facilities in order to qualify for Federal and State assistance. The report shall include the following data points if available: (i) Increased costs related to provider and staff training, including training on pandemic preparedness plans and the use of telemedicine. (ii) Increased staffing costs. (iii) Costs related to COVID-19 testing. (iv) Costs associated with sourcing and purchasing additional supplies and equipment.
(v) Costs associated with setting up emergency operations centers, including construction and retrofitting facilities to provide separate screening and security areas.

(vi) Costs associated with providing housing and care for patients who do not require hospitalization but do not have housing in order to prevent spread of COVID-19.

(vii) Loss of revenues due to suspension of elective services not related to COVID-19.

(viii) Other data points required to be reported by hospitals or health care facilities to the Federal government or State government to receive COVID-19 assistance.

(2) The report shall be submitted to the following:

   (i) The Secretary of the Department of Health, the Secretary of the Department of Human Services.

   (ii) The Chair and Minority Chair of the Appropriations Committee of the Senate and the Chair and Minority Chair of the Health and Human Services Committee of the Senate.

   (iii) The Chair and Minority Chair of the House Appropriations Committee of the House of Representatives, the Chair and Minority Chair of the Health Committee of the House of Representatives and the Chair and Minority Chair if the Human Services Committee of the House of Representatives.

(3) The initial report shall be issued by the council no later than January 15, 2021, and shall be updated quarterly thereafter for one year following the termination or expiration of the COVID-19 disaster emergency under section 7301(c) (relating to general authority of Governor).

(4) As used in this subsection, the term "COVID-19 disaster emergency" shall have the same meaning as given to it under section 5701 (relating to definitions).

Amend Bill, page 45, by inserting between lines 21 and 22

§ 3317. Expiration.

This chapter shall expire 10 years after the effective date of this section.

Section 1.1. Title 35 is amended by adding a chapter to read:

CHAPTER 57

COVID-19 DISASTER EMERGENCY Subchapter

A. Preliminary Provisions
B. Property Tax
C. Educational Tax Credit
D. Notarial Acts
E. Local Government Meetings
SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec. 5701. Definitions.
§ 5701. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
"COVID-19 disaster emergency." The duration of the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020) and any renewal of the state of disaster emergency.

SUBCHAPTER B
PROPERTY TAX RELIEF

Sec. 5711. Scope of subchapter.
5712. Definitions.
5713. Real property tax relief.
§ 5711. Scope of subchapter.
This subchapter provides temporary authority to a taxing district to deal with the taxation of all real property made taxable by the laws of this Commonwealth during the COVID-19 disaster emergency.
§ 5712. Definitions.
The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
"Tax collector." An individual or entity elected, appointed or otherwise required to collect a tax for a taxing district.
"Taxing district." Any of the following entities that is authorized under the laws of this Commonwealth to impose a tax on the assessed value of real property:
(1) City of any class in this Commonwealth.
(2) County of any class in this Commonwealth.
(3) Borough, town or township of any class in this Commonwealth.
(4) Incorporated town.
§ 5713. Real property tax relief.
(a) General rule.--Notwithstanding any other law and subject to subsection (b), a taxing district may, by majority vote of the taxing district's governing body, do any of the following for the collection of a tax imposed on the assessed value of real property that would otherwise be due by December 31, 2020:
(1) Collect the tax at the taxing district's prescribed discount rate, if any, no later than August 31, 2020.
(2) Waive any fee or penalty otherwise associated with the late payment of the tax if paid in full by December 31, 2020.
(b) Resolution required.--Any taxing district electing to exercise a power under subsection (a) shall do so by delivering a resolution of the governing body to the tax collector for the...
taxing district within 30 days of the effective date of this subsection.

SUBCHAPTER C
EDUCATIONAL TAX CREDIT

Sec.
5721. Waivers and penalties.
§ 5721. Waivers and penalties.
(a) Applicability.--This section applies only to the tax years affected by the COVID-19 disaster emergency.
(b) Requirements.--Notwithstanding any other provision of law, the following shall apply:
(1) The requirement under section 2004-B(d) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring business firms to make a contribution to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization no later than 60 days following the approval of an application under subsection (a) or (b) of section 2004-B of the Public School Code of 1949 is extended until the end of the business firm's applicable tax year.
(2) A business firm shall provide proof of its contribution in the form of a written acknowledgment from the scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization to the Department of Community and Economic Development within 30 days of the contribution made under paragraph (1).
(3) Business firms fulfilling year two of a two-year commitment that are impacted by the COVID-19 disaster emergency shall be permitted to receive a tax credit of up to 90% of the amount contributed in year two. As part of the COVID-19 disaster emergency, the department is prohibited from reducing the credit authorized in year one of the two-year agreement, if the year two contribution is less than the year one contribution for business firms in a two-year commitment.

SUBCHAPTER D
NOTARIAL ACTS

Sec.
5731. Remotely located individual.
§ 5731. Remotely located individual.
(a) Authorization.--
(1) Upon the effective date of this section, the Department of State shall immediately authorize a notary public to conduct notarial acts in the manner authorized by this section, if the notary gives notice to the department as required under subsection (g)(1) and uses a communication and identity proofing technology designated in the department's March 25, 2020, notice of the limited suspension of the requirements of 57 Pa.C.S. § 306 (relating to personal
(2) A notary public may use any other technology within 30 days of giving notice as required by subsection (g)(1), unless the department for good cause prohibits the use of the technology for failure to satisfy the requirements of this section or determines that use of the technology should be delayed pending an evaluation of the technology.

(3) This section shall expire 60 days after termination or expiration of the COVID-19 disaster emergency under section 7301(c) (relating to general authority of Governor).

(b) General rule.—A remotely located individual may comply with 57 Pa.C.S. § 306 by appearing before a notary public by means of communication technology.

(c) Use of communication technology.—A notary public located in this Commonwealth may perform a notarial act facilitated by communication technology for a remotely located individual if all of the following apply:

(1) The notary public:
   (i) has personal knowledge under 57 Pa.C.S. § 307(a) (relating to identification of individual) of the identity of the individual;
   (ii) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under 57 Pa.C.S. § 307(b) or under this section; or
   (iii) is able to reasonably identify the individual by at least two different types of identity proofing processes or services.

(2) The notary public is able to reasonably identify a record before the notary public as the same record:
   (i) in which the remotely located individual made the statement; or
   (ii) on which the remotely located individual executed the signature.

(3) The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act, including all interactions between the notary public and the remotely located individual.

(4) If the remotely located individual is located outside the United States, all of the following apply:
   (i) The record:
      (A) is to be filed with or relates to a matter before a court, governmental entity, public official or other entity under the jurisdiction of the United States; or
      (B) involves:
         (I) property located in the territorial
jurisdiction of the United States; or

(II) a transaction substantially connected
with the United States.

(ii) The act of making the statement or signing the
record is not prohibited by the foreign state where the
remotely located individual is located.

(d) Notarial certificate.--If a notarial act is subject to
this section, the certificate of notarial act required by 57
Pa.C.S. § 315 (relating to certificate of notarial act) and the
short form certificate under 57 Pa.C.S. § 316 (relating to short
form certificates) must indicate that the notarial act was
performed by means of communication technology.

(e) Sufficiency.--A short form certificate under 57 Pa.C.S.
§ 316 for a notarial act subject to this section is sufficient
if the short form certificate is in the form provided by 57
Pa.C.S. § 316 and contains a statement substantially as follows:

"This notarial act involved the use of communication
technology."

(f) Audio-visual recording.--

(1) This subsection applies to:

(i) a notary public;

(ii) a guardian, a conservator or an agent of a
notary public; or

(iii) a personal representative of a deceased notary
public.

(2) A person under paragraph (1) shall retain the audio-
visual recording created under subsection (c)(3) or cause the
recording to be retained by a repository designated by or on
behalf of the notary public. The person shall retain the
recording for at least 10 years after the recording is
created.

(g) Notification.--

(1) Before a notary public performs the notary public's
initial notarial act under this section, the notary public
must notify the department that the notary public will be
performing notarial acts facilitated by communication
technology and identify the technology.

(2) If the department has established standards for
approval of communication technology or identity proofing
under 57 Pa.C.S. § 327 (relating to regulations), the
communication technology and identity proofing must conform
to the standards.

(h) (Reserved).

(i) Promotion of uniformity.--Before promulgating, amending
or repealing regulations about the performance of a notarial act
with respect to a remotely located individual, the department
shall consider, if consistent with this subchapter, all of the
following:

(1) The most recent standards regarding the performance
of a notarial act with respect to remotely located
individuals promulgated by a national standard-setting
organization. This paragraph includes the National
Association of Secretaries of State.

(2) Standards, practices and customs of other
jurisdictions that enact a statutory provision substantially
similar to this section.

(3) The views of governmental officials and entities and
other interested persons.

(j) Certification of tangible copies.--

(1) Notwithstanding 57 Pa.C.S. § 304 (relating to
authority to perform notarial act, a notarial officer may
certify that a tangible copy of an electronic record is a
true and correct copy of the electronic record.

(2) Notwithstanding 57 Pa.C.S. § 320 (relating to
notification regarding performance of notarial act on
electronic record; selection of technology), a recorder of
deeds may accept for recording a tangible copy of an
electronic record containing a notarial certificate as
satisfying any requirements that the record be an original,
if the notarial officer executing the notarial certificate
certifies that the tangible copy is a true and correct copy
of the electronic record.

(k) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:

"Communication technology." An electronic device or process
that:

(1) allows a notary public located in this Commonwealth
and a remotely located individual to communicate with each
other simultaneously by sight and sound; and

(2) makes reasonable accommodations for an individual
with a vision, hearing or speech impairment in accordance
with law.

"Department." The Department of State of the Commonwealth.

"Foreign state." A jurisdiction other than the United
States, a state or a federally recognized Indian tribe.

"Identity proofing." A process or service by which a third
person provides a notary public with a means to verify the
identity of a remotely located individual by a review of
personal information from public or private data sources.

"Outside the United States." A location outside the
geographic boundaries of:

(1) the United States;

(2) Puerto Rico;

(3) the Virgin Islands; and

(4) any territory, insular possession or other location
subject to the jurisdiction of the United States.

"Remotely located individual." An individual who is not in
the physical presence of the notary public performing a notarial
act under subsection (c).

SUBCHAPTER E
LOCAL GOVERNMENT MEETINGS
Sec. 5741. Response to COVID-19 disaster emergency.
§ 5741. Response to COVID-19 disaster emergency.
(a) Authorization.--An agency, department, authority, commission, board, council, governing body or other entity of a political subdivision included in a declaration of disaster emergency as specified under section 7501(d) (relating to general authority of political subdivisions) may conduct hearings, meetings, proceedings or other business through the use of an authorized telecommunications device until the expiration or termination of the COVID-19 disaster emergency.
(b) Quorum.--Notwithstanding any other provision of law, a hearing, meeting, proceeding or other business conducted through an authorized telecommunications device under this subsection shall not require the physical presence at a meeting location of a quorum of the participating members if a quorum is otherwise established by the participating members through the authorized telecommunications device.
(c) Advance notice.--To the extent practicable, an agency, department, authority, commission, board, council, governing body or other entity of a political subdivision shall post advance notice of each meeting conducted under subsection (a) on the entity's publicly accessible Internet website, if any, in an advertisement in a newspaper of general circulation, or both. Public notice shall include the date, time, technology to be used and public participation information as provided under subsection (f).
(d) Minutes.--The draft minutes of a meeting called under exigent circumstances, without advance notice to the public, to address any issue related to the Governor's disaster emergency declaration related to COVID-19 shall be posted within 20 days after the meeting or before the next regularly scheduled meeting, whichever is earlier.
(e) Unrelated issue.--An agency, department, authority, commission, board, council, governing body or other entity of a political subdivision shall not consider any application, plat, plan, submission, appeal or curative amendment unrelated to the Governor's declaration of disaster emergency related to COVID-19 during a meeting unless notice to the public and interested parties has been provided at least five days prior to the meeting via a post on the entity's publicly accessible Internet website, if any, in a newspaper of general circulation, or both.
(f) Public participation.--To the extent practicable, an agency, department, authority, commission, board, council, governing body or other entity of a political subdivision shall allow for public participation in a meeting, hearing or proceeding through an authorized telecommunication device or written comments. Written comments may be submitted to the entity's physical address through United States mail or to a email account designated by the entity to receive the comments.
(g) Action.--For an action required by law in consideration
of any application, plat, plan or other submission for an
approval or for an action on an appeal or curative amendment,
the following shall apply:

(1) Notwithstanding any provision of law, for an
approval, application, plat, plan, submission, appeal or
curative amendment received or pending as of the date of or
during the Governor's declaration of a disaster emergency
related to COVID-19, the number of days provided to satisfy
statutory time limits in review, hearing and decision shall
be suspended and tolled as of the date of the disaster or
emergency declaration or as of the date received if received
during the disaster or emergency declaration, and shall
resume 30 days after the effective date of this section.

(2) Notification, in writing, shall be provided to each
applicant subject to this section of the disaster or
emergency, the time extension under this section and the
right to a request as provided under paragraph (3). A failure
to receive the notice provided under this section shall not
affect the tolling of the number of days provided to satisfy
statutory time limits for review, hearing and decisions.

(3) Within 30 days of the effective date of this
section, an applicant may request a meeting, hearing or
proceeding as may be required by law, and provisions
governing the application, plat, plan, submission, appeal or
curative amendment during the period of the disaster or
emergency in accordance with this section. The agency,
department, authority, commission, board, council, governing
body or other entity of a political subdivision shall have
discretion to proceed with a request under this paragraph.
If a proceeding is authorized, the applicant and each party
receiving actual notice of the proceeding shall be deemed to
waive any challenge to the proceedings under 65 Pa.C.S. Ch. 7
(relating to open meetings) or any other provision of law
that governs the notice, conduct or participation in a
meeting or proceeding.

(h) Applicability.--This section shall apply to COVID-19
disaster emergency.

(i) Expiration.--This section shall expire when the COVID-19
disaster emergency terminates or expires under section 7301(c)
(relating to general authority of Governor).

(j) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:
"Approval." As defined in section 2 of the act of July 9,
2013 (P.L.362, No.54), known as the Development Permit Extension
Act.
"Authorized telecommunications device." The term includes
any device which permits, at a minimum, audio communication
between individuals.

Section 1.2. Section 7501(d) of Title 35 is amended to read:
Temporary suspension of formal requirements.--Each political subdivision included in a declaration of disaster emergency declared by either the Governor or the governing body of the political subdivision affected by the disaster emergency is authorized to exercise the powers vested under this section in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. Notwithstanding any other provision of law, the governing body of a political subdivision shall not be required to have a quorum physically present at any one location in order to conduct business if a quorum is otherwise established by the participating members through an authorized telecommunication device.

Section 1.3. Chapter 62 heading and sections 6201, 6202, 6203 and 6206 of Title 42 are amended to read:

CHAPTER 62
UNIFORM UNSWORN [FOREIGN] DECLARATIONS ACT

§ 6201. Short title of chapter.
This chapter shall be known and may be cited as the Uniform Unsworn [Foreign] Declarations Act.

§ 6202. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Boundaries of the United States." The geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

"Law." Includes [the Federal or a state constitution, a Federal or state] a statute, [a] judicial decision or order, [a] rule of court, [an] executive order and [an] administrative rule, regulation or order.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Sign." With present intent to authenticate or adopt a record:

(1) to execute or adopt a tangible symbol; or
(2) to attach to or logically associate with the record an electronic symbol, sound or process.

"State." A state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.
"Sworn declaration." A declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate and affidavit.

"Unsworn declaration." A declaration in a signed record [that is] not given under oath but [is] given under penalty of perjury.

§ 6203. Applicability.

This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located within or outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. [This chapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.]

§ 6206. Form of unsworn declaration.

An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct[, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.]

Executed] Signed on the........day of........,........,

(date)........(month)...........(year).........

(city\ county or other location, and state)............

(country)..................................

(printed name).............................

(signature)..............................