

AMENDMENTS TO SENATE BILL NO. 841

Sponsor: SENATOR CORMAN

Printer's No. 1410

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Safety)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 6, by striking out the period after

7 "indigent" and inserting

8 ; providing for COVID-19 disaster emergency; in local

9 organizations and services, further providing for general

10 authority of political subdivisions; and, in Uniform Unsworn

11 Foreign Declarations Act, further providing for heading of

12 chapter, for short title of chapter, for definitions, for

13 applicability and for form of unsworn declaration.

14 Amend Bill, page 2, by inserting between lines 16 and 17

15 3317. Expiration.

16 Amend Bill, page 40, by inserting between lines 28 and 29

17 (c) COVID-19 disaster emergency report.--

18 (1) The council shall prepare a report to provide a

19 Pennsylvania-perspective on the effect of the COVID-19

20 disaster emergency on hospitals and health care facilities in

21 this Commonwealth by aggregating data related to COVID-19

22 expenses and lost revenue reported by hospitals and health

23 care facilities in order to qualify for Federal and State

24 assistance. The report shall include the following data

25 points if available:

26 (i) Increased costs related to provider and staff

27 training, including training on pandemic preparedness

28 plans and the use of telemedicine.

29 (ii) Increased staffing costs.

30 (iii) Costs related to COVID-19 testing.

31 (iv) Costs associated with sourcing and purchasing

32 additional supplies and equipment.

1 (v) Costs associated with setting up emergency
2 operations centers, including construction and
3 retrofitting facilities to provide separate screening and
4 security areas.

5 (vi) Costs associated with providing housing and
6 care for patients who do not require hospitalization but
7 do not have housing in order to prevent spread of COVID-
8 19.

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

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

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

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

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

22 (iii) The Chair and Minority Chair of the House
23 Appropriations Committee of the House of Representatives,
24 the Chair and Minority Chair of the Health Committee of
25 the House of Representatives and the Chair and Minority
26 Chair if the Human Services Committee of the House of
27 Representatives.

28 (3) The initial report shall be issued by the council no
29 later than January 15, 2021, and shall be updated quarterly
30 thereafter for one year following the termination or
31 expiration of the COVID-19 disaster emergency under section
32 7301(c) (relating to general authority of Governor).

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

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

37 § 3317. Expiration.

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

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

42 CHAPTER 57

43 COVID-19 DISASTER EMERGENCY

44 Subchapter

45 A. Preliminary Provisions

46 B. Property Tax

47 C. Educational Tax Credit

48 D. Notarial Acts

49 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

1 taxing district within 30 days of the effective date of this
2 subsection.

3 SUBCHAPTER C
4 EDUCATIONAL TAX CREDIT

5 Sec.

6 5721. Waivers and penalties.

7 § 5721. Waivers and penalties.

8 (a) Applicability.--This section applies only to the tax
9 years affected by the COVID-19 disaster emergency.

10 (b) Requirements.--Notwithstanding any other provision of
11 law, the following shall apply:

12 (1) The requirement under section 2004-B(d) of the act
13 of March 10, 1949 (P.L.30, No.14), known as the Public School
14 Code of 1949, requiring business firms to make a contribution
15 to a scholarship organization, pre-kindergarten scholarship
16 organization, opportunity scholarship organization or
17 educational improvement organization no later than 60 days
18 following the approval of an application under subsection (a)
19 or (b) of section 2004-B of the Public School Code of 1949 is
20 extended until the end of the business firm's applicable tax
21 year.

22 (2) A business firm shall provide proof of its
23 contribution in the form of a written acknowledgment from the
24 scholarship organization, pre-kindergarten scholarship
25 organization, opportunity scholarship organization or
26 educational improvement organization to the Department of
27 Community and Economic Development within 30 days of the
28 contribution made under paragraph (1).

29 (3) Business firms fulfilling year two of a two-year
30 commitment that are impacted by the COVID-19 disaster
31 emergency shall be permitted to receive a tax credit of up to
32 90% of the amount contributed in year two. As part of the
33 COVID-19 disaster emergency, the department is prohibited
34 from reducing the credit authorized in year one of the two-
35 year agreement, if the year two contribution is less than the
36 year one contribution for business firms in a two-year
37 commitment.

38 SUBCHAPTER D
39 NOTARIAL ACTS

40 Sec.

41 5731. Remotely located individual.

42 § 5731. Remotely located individual.

43 (a) Authorization.--

44 (1) Upon the effective date of this section, the
45 Department of State shall immediately authorize a notary
46 public to conduct notarial acts in the manner authorized by
47 this section, if the notary gives notice to the department as
48 required under subsection (g)(1) and uses a communication and
49 identity proofing technology designated in the department's
50 March 25, 2020, notice of the limited suspension of the
51 requirements of 57 Pa.C.S. § 306 (relating to personal

1 appearance required), or that is designated in a list of
2 additional acceptable technologies subsequently adopted by
3 the department.

4 (2) A notary public may use any other technology within
5 30 days of giving notice as required by subsection (g) (1),
6 unless the department for good cause prohibits the use of the
7 technology for failure to satisfy the requirements of this
8 section or determines that use of the technology should be
9 delayed pending an evaluation of the technology.

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

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

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

20 (1) The notary public:

21 (i) has personal knowledge under 57 Pa.C.S. §
22 307(a) (relating to identification of individual) of the
23 identity of the individual;

24 (ii) has satisfactory evidence of the identity of
25 the remotely located individual by oath or affirmation
26 from a credible witness appearing before the notary
27 public under 57 Pa.C.S. § 307(b) or under this section;
28 or

29 (iii) is able to reasonably identify the individual
30 by at least two different types of identity proofing
31 processes or services.

32 (2) The notary public is able to reasonably identify a
33 record before the notary public as the same record:

34 (i) in which the remotely located individual made
35 the statement; or

36 (ii) on which the remotely located individual
37 executed the signature.

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

43 (4) If the remotely located individual is located
44 outside the United States, all of the following apply:

45 (i) The record:

46 (A) is to be filed with or relates to a matter
47 before a court, governmental entity, public official
48 or other entity under the jurisdiction of the United
49 States; or

50 (B) involves:

51 (I) property located in the territorial

1 jurisdiction of the United States; or

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

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

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

13 (e) Sufficiency.--A short form certificate under 57 Pa.C.S.
14 § 316 for a notarial act subject to this section is sufficient
15 if the short form certificate is in the form provided by 57
16 Pa.C.S. § 316 and contains a statement substantially as follows:
17 "This notarial act involved the use of communication
18 technology."

19 (f) Audio-visual recording.--

20 (1) This subsection applies to:

21 (i) a notary public;

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

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

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

32 (g) Notification.--

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

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

43 (h) (Reserved).

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

49 (1) The most recent standards regarding the performance
50 of a notarial act with respect to remotely located
51 individuals promulgated by a national standard-setting

1 organization. This paragraph includes the National
2 Association of Secretaries of State.

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

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

8 (j) Certification of tangible copies.--

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

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

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

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

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

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

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

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

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

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

42 (1) the United States;

43 (2) Puerto Rico;

44 (3) the Virgin Islands; and

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

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

50 SUBCHAPTER E

51 LOCAL GOVERNMENT MEETINGS

1 Sec.

2 5741. Response to COVID-19 disaster emergency.

3 § 5741. Response to COVID-19 disaster emergency.

4 (a) Authorization.--An agency, department, authority,
5 commission, board, council, governing body or other entity of a
6 political subdivision included in a declaration of disaster
7 emergency as specified under section 7501(d) (relating to
8 general authority of political subdivisions) may conduct
9 hearings, meetings, proceedings or other business through the
10 use of an authorized telecommunications device until the
11 expiration or termination of the COVID-19 disaster emergency.

12 (b) Quorum.--Notwithstanding any other provision of law, a
13 hearing, meeting, proceeding or other business conducted through
14 an authorized telecommunications device under this subsection
15 shall not require the physical presence at a meeting location of
16 a quorum of the participating members if a quorum is otherwise
17 established by the participating members through the authorized
18 telecommunications device.

19 (c) Advance notice.--To the extent practicable, an agency,
20 department, authority, commission, board, council, governing
21 body or other entity of a political subdivision shall post
22 advance notice of each meeting conducted under subsection (a) on
23 the entity's publicly accessible Internet website, if any, in an
24 advertisement in a newspaper of general circulation, or both.
25 Public notice shall include the date, time, technology to be
26 used and public participation information as provided under
27 subsection (f).

28 (d) Minutes.--The draft minutes of a meeting called under
29 exigent circumstances, without advance notice to the public, to
30 address any issue related to the Governor's disaster emergency
31 declaration related to COVID-19 shall be posted within 20 days
32 after the meeting or before the next regularly scheduled
33 meeting, whichever is earlier.

34 (e) Unrelated issue.--An agency, department, authority,
35 commission, board, council, governing body or other entity of a
36 political subdivision shall not consider any application, plat,
37 plan, submission, appeal or curative amendment unrelated to the
38 Governor's declaration of disaster emergency related to COVID-19
39 during a meeting unless notice to the public and interested
40 parties has been provided at least five days prior to the
41 meeting via a post on the entity's publicly accessible Internet
42 website, if any, in a newspaper of general circulation, or both.

43 (f) Public participation.--To the extent practicable, an
44 agency, department, authority, commission, board, council,
45 governing body or other entity of a political subdivision shall
46 allow for public participation in a meeting, hearing or
47 proceeding through an authorized telecommunication device or
48 written comments. Written comments may be submitted to the
49 entity's physical address through United States mail or to a
50 email account designated by the entity to receive the comments.

51 (g) Action.--For an action required by law in consideration

1 of any application, plat, plan or other submission for an
2 approval or for an action on an appeal or curative amendment,
3 the following shall apply:

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

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

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

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

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

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

44 "Approval." As defined in section 2 of the act of July 9,
45 2013 (P.L.362, No.54), known as the Development Permit Extension
46 Act.

47 "Authorized telecommunications device." The term includes
48 any device which permits, at a minimum, audio communication
49 between individuals.

50 Section 1.2. Section 7501(d) of Title 35 is amended to read:
51 § 7501. General authority of political subdivisions.

1 * * *

2 (d) Temporary suspension of formal requirements.--Each
3 political subdivision included in a declaration of disaster
4 emergency declared by either the Governor or the governing body
5 of the political subdivision affected by the disaster emergency
6 is authorized to exercise the powers vested under this section
7 in the light of the exigencies of the emergency situation
8 without regard to time-consuming procedures and formalities
9 prescribed by law (excepting mandatory constitutional
10 requirements) pertaining to the performance of public work,
11 entering into contracts, the incurring of obligations, the
12 employment of temporary workers, the rental of equipment, the
13 purchase of supplies and materials, the levying of taxes and the
14 appropriation and expenditure of public funds. Notwithstanding
15 any other provision of law, the governing body of a political
16 subdivision shall not be required to have a quorum physically
17 present at any one location in order to conduct business if a
18 quorum is otherwise established by the participating members
19 through an authorized telecommunication device.

20 * * *

21 Section 1.3. Chapter 62 heading and sections 6201, 6202,
22 6203 and 6206 of Title 42 are amended to read:

23 CHAPTER 62

24 UNIFORM UNSWORN [FOREIGN]

25 DECLARATIONS ACT

26 § 6201. Short title of chapter.

27 This chapter shall be known and may be cited as the Uniform
28 Unsworn [Foreign] Declarations Act.

29 § 6202. Definitions.

30 The following words and phrases when used in this chapter
31 shall have the meanings given to them in this section unless the
32 context clearly indicates otherwise:

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

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

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

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

46 (1) to execute or adopt a tangible symbol; or

47 (2) to attach to or logically associate with the record
48 an electronic symbol, sound or process.

49 ["State." A state of the United States, the District of
50 Columbia, Puerto Rico, the Virgin Islands or any territory or
51 insular possession subject to the jurisdiction of the United

1 States.]

2 "Sworn declaration." A declaration in a signed record given
3 under oath. The term includes a sworn statement, verification,
4 certificate and affidavit.

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

8 § 6203. Applicability.

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

18 § 6206. Form of unsworn declaration.

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

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

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

29 at.....,

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

31 (city] county or other location, and state).....

32

33 (country).....

34 (printed name).....

35 (signature).....