
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 327 Session of
2019

INTRODUCED BY ARGALL, SCAVELLO, FOLMER, MARTIN, VOGEL, J. WARD,
REGAN, STEFANO AND BROWNE, FEBRUARY 26, 2019

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, MAY 13, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for COVID-19
21 emergency statutory and regulatory suspensions and waivers
22 reporting requirements, for COVID-19 debt cost reduction
23 review and for COVID-19 Cost and Recovery Task Force; in
24 powers and duties of the Department of General Services and
25 its departmental administrative and advisory boards and
26 commissions, providing for report of State facilities owned
27 or leased; providing for emergency regulatory tolling AND FOR <--
28 COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR BUSINESSES; and
29 making an appropriation.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
2 as The Administrative Code of 1929, is amended by adding
3 articles to read:

4 ARTICLE XXI-C

5 COVID-19 EMERGENCY STATUTORY AND
6 REGULATORY SUSPENSIONS AND WAIVERS
7 REPORTING REQUIREMENTS

8 Section 2101-C. Definitions.

9 The following words and phrases when used in this article
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Order." Any of the following:

13 (1) the declaration of disaster emergency issued by the
14 Governor on March 6, 2020, published in 50 Pa.B. 1644 (March
15 21, 2020); or

16 (2) a declaration of disaster emergency relating to the
17 novel coronavirus known as "COVID-19" which is issued after
18 March 6, 2020.

19 Section 2102-C. Notification required.

20 (a) Suspensions, modifications and waivers requiring
21 modification.--The Office of the Governor shall notify the
22 individuals under subsection (c) no later than provided under
23 subsection (b) when a specific statute or regulation is
24 suspended, modified or waived under the authority of the order
25 or when a specific statute or regulation is first treated as
26 being suspended, modified or waived under a blanket suspension,
27 modification or waiver under the order. A notification under
28 this paragraph shall, at minimum, notify the individuals of the
29 following:

30 (1) Any provision of regulatory statute or regulation

1 suspended or modified under 35 Pa.C.S. Ch. 73 Subch. A
2 (relating to Commonwealth services) under the order.

3 (2) Any provision of law or regulation suspended by the
4 Secretary of Health under the order.

5 (3) Any provision of law or regulation suspended or
6 waived by the Secretary of Education under the order.

7 (4) Any laws or Federal or State regulations related to
8 the drivers of commercial vehicles waived or suspended by the
9 Department of Transportation under the order.

10 (b) Timeline for notification.--The following shall apply:

11 (1) An initial notification under this section shall be
12 made within two days of the effective date of this article
13 and shall include notifications of all suspensions,
14 modifications and waivers under subsection (a) which occurred
15 prior to the effective date of this article.

16 (2) A notification under this section other than an
17 initial report under paragraph (1) shall be made within one
18 day of the suspension, modification or waiver under
19 subsection (a).

20 (c) Individuals to be notified.--A notification required to
21 be issued under this section shall be sent in writing by
22 electronic means to the President pro tempore of the Senate, the
23 Speaker of the House of Representatives, the Majority Leader of
24 the Senate, the Minority Leader of the Senate, the Majority
25 Leader of the House of Representatives and the Minority Leader
26 of the House of Representatives.

27 ARTICLE XXI-D

28 COVID-19 DEBT COST REDUCTION REVIEW

29 Section 2101-D. Review of refinancing opportunities.

30 The Treasury Department, in conjunction with the Secretary of

1 the Budget, the Auditor General and any chairperson of an
2 authority, commission, agency, OR board or other State <--
3 authorized entity that has the power to issue debt, shall
4 identify and review all outstanding debt obligations of the
5 Commonwealth and its authorities, commissions, agencies, AND <--
6 boards or other State authorized entities and submit a report of <--
7 the findings to the General Assembly no later than June <--
8 SEPTEMBER 30, 2020. In addition to the identification and review <--
9 of all outstanding debt obligations, the report shall identify
10 options for the refinancing of the outstanding debt obligations
11 to reduce the costs to the Commonwealth and its authorities.
12 EACH AGENCY IDENTIFIED UNDER THIS SECTION SHALL PROVIDE TO THE <--
13 TREASURY DEPARTMENT, WITHIN 30 DAYS FOLLOWING THE EFFECTIVE DATE
14 OF THIS SECTION, INFORMATION AS MAY BE REQUESTED BY THE TREASURY
15 DEPARTMENT, INCLUDING THE FOLLOWING, RELATED TO ALL OUTSTANDING
16 DEBT OBLIGATIONS OF THE AGENCY:
17 (1) TOTAL OUTSTANDING AMOUNT OF ALL OBLIGATIONS.
18 (2) MOST RECENT AUDITED FINANCIAL STATEMENT OF THE
19 AGENCY.
20 (3) DESCRIPTION OF EACH OBLIGATION, IDENTIFYING SENIOR
21 OR SUBORDINATE DEBT AND FEDERAL TAX TREATMENT.
22 (4) ACCOUNT OF ALL SECURITY PLEDGED FOR EACH OBLIGATION.
23 (5) MOST RECENT RATING ASSOCIATED WITH EACH DEBT
24 OBLIGATION, INCLUDING RATE COVENANT AND MATURITY DATE.
25 (6) LIST OF ALL ADDITIONAL ASSOCIATED AGENCY OBLIGATIONS
26 OR COVENANTS.
27 (7) ANNUAL DEBT SERVICE COST, DEBT SERVICE FUND AND DEBT
28 SERVICE RESERVE FUND FOR EACH DEBT OBLIGATION.
29 (8) RISK FACTORS AND DISCLOSURE STATEMENTS ASSOCIATED
30 WITH EACH DEBT OBLIGATION.

1 (9) PENDING LITIGATION THAT MAY FINANCIALLY IMPACT THE
2 DEBT OBLIGATIONS OF THE AGENCY.

3 ARTICLE XXI-E

4 COVID-19 COST AND RECOVERY TASK FORCE

5 Section 2101-E. Legislative findings.

6 The General Assembly finds and declares as follows:

7 (1) A novel coronavirus, known as COVID-19, entered the
8 United States in late January 2020 and has spread throughout
9 the states, including this Commonwealth.

10 (2) On March 6, 2020, the Governor declared a disaster
11 emergency, citing a threat of imminent disaster that is of
12 such a magnitude and severity as to necessitate extraordinary
13 measures to protect the health, safety and life of this
14 Commonwealth's citizens.

15 (3) The impact of COVID-19, including all the necessary
16 measures taken to mitigate the spread of the disease, has
17 severely disrupted the Commonwealth and its subdivisions and
18 is producing short-term and long-term negative economic
19 consequences.

20 (4) In order to effectively manage the current disaster,
21 all branches of the Commonwealth's government must work
22 cooperatively to identify immediate and urgent issues,
23 provide a structure to catalog the Commonwealth's response to
24 the disaster emergency and create a forum to receive
25 testimony, information and recommendations from individuals,
26 business and industry.

27 (5) In addition to managing the existing public health
28 challenges of COVID-19, the Commonwealth will need a recovery
29 plan once the emergency subsides to address the innumerable
30 issues resulting from the disaster emergency, including the

1 impact to the economy.

2 (6) The most effective manner to achieve these critical
3 needs is to form an interbranch task force.

4 Section 2102-E. Definitions.

5 The following words and phrases when used in this article
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Order." As follows:

9 (1) The declaration of disaster emergency issued by the
10 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
11 21, 2020).

12 (2) A declaration of disaster emergency relating to the
13 novel coronavirus, known as COVID-19, issued after March 6,
14 2020.

15 "Task force." The COVID-19 Cost and Recovery Task Force
16 established under section 2103-E(a).

17 Section 2103-E. Task force.

18 (a) Establishment.--The COVID-19 Cost and Recovery Task
19 Force is established.

20 (b) Membership.--The task force shall consist of the
21 following members, appointed within five days of the effective
22 date of this section:

23 (1) The Governor or a designee.

24 (2) The President pro tempore of the Senate or a
25 designee.

26 (3) The Majority Leader of the Senate or a designee.

27 (4) The Minority Leader of the Senate or a designee.

28 (5) The Speaker of the House of Representatives or a
29 designee.

30 (6) The Majority Leader of the House of Representatives

1 or a designee.

2 (7) The Minority Leader of the House of Representatives
3 or a designee.

4 (8) The Chief Justice of the Supreme Court or a
5 designee.

6 (9) A judge of the Superior Court or Commonwealth Court
7 or a judge of the court of common pleas appointed by the
8 Chief Justice of the Supreme Court.

9 (c) Method of appointment.--An appointing authority under
10 subsection (b) shall make appointment or replacement appointment
11 by the transmission of a letter to the Governor, all ex officio
12 members and all appointing authorities under subsection (b).

13 (c.1) Executive advisors.--The following shall serve as
14 advisors to the task force:

15 (1) An officer or employee of the Department of
16 Agriculture to represent the Secretary of Agriculture.

17 (2) An officer or employee of the Department of Banking
18 and Securities to represent the Secretary of Banking and
19 Securities.

20 (3) An officer or employee of the Department of
21 Community and Economic Development to represent the Secretary
22 of Community and Economic Development.

23 (4) An officer or employee of the Department of
24 Education to represent the Secretary of Education.

25 (5) An officer or employee of the Department of Human
26 Services to represent the Secretary of Human Services.

27 (6) An officer or employee of the Insurance Department
28 to represent the Insurance Commissioner.

29 (7) An officer or employee of the Department of Labor
30 and Industry to represent the Secretary of Labor and

1 Industry.

2 (8) An officer or employee of the Department of
3 Transportation to represent the Secretary of Transportation.

4 (d) Advisory committees.--The following shall apply:

5 (1) The task force may establish advisory committees to
6 review issues relating to the COVID-19 public health
7 emergency that require executive, legislative or judicial
8 action and to report related information to the task force.

9 (2) Members of an advisory committee shall be
10 individuals appointed by the task force who have experience
11 in the issue being reviewed. Members of the task force and
12 individuals who are not members of the task force may be
13 appointed to an advisory committee.

14 (3) Individuals appointed to an advisory committee who
15 are not members of the task force shall represent the
16 geographic, racial, gender and socioeconomic diversity of
17 this Commonwealth. Individuals appointed to an advisory
18 committee who are not members of the task force may not be a
19 lobbyist as defined in 65 Pa.C.S. § 13A03 (relating to
20 definitions) or an officer or an employee of a political
21 party or political committee as defined in section 801 or
22 1621(h) of the act of June 3, 1937 (P.L.1333, No.320), known
23 as the Pennsylvania Election Code.

24 (4) A member of the task force shall serve as the
25 chairperson of each advisory committee.

26 (5) An advisory committee established under this
27 subsection may be directed to review issues related to issues
28 arising from the COVID-19 pandemic and the impact those
29 issues have had on the Commonwealth.

30 (e) Chairperson.--The Governor or a designee under

1 subsection (b)(1) shall serve as chairperson of the task force.

2 (f) Participation.--A member not physically present may
3 participate by teleconference or video conference.

4 (g) Quorum and voting.--The following shall apply:

5 (1) A majority of the members of the task force
6 participating in person, teleconference or video conference
7 shall constitute a quorum.

8 (2) Action of the task force must be authorized or
9 ratified by majority vote of the members of the task force.

10 (h) Meetings.--The following shall apply:

11 (1) The task force shall meet at least once a week.
12 Additional meetings may be called by the chairperson as
13 necessary. The chairperson shall schedule a meeting upon
14 written request of four members of the task force.

15 (2) The first meeting shall be convened within 10 days
16 of the effective date of this paragraph.

17 (3) The task force may take actions necessary to conform
18 to public gathering requirements ordered or recommended by
19 the Secretary of Health or the Centers for Disease Control.

20 (4) The task force shall permit the public to view or
21 listen to an advisory committee meeting through
22 contemporaneous methods and make the recordings available on
23 the Department of Community and Economic Development's
24 publicly accessible Internet website.

25 (5) The task force or an advisory committee may hold
26 public hearings if necessary.

27 (i) Expenses.--Members shall not receive compensation but
28 shall be reimbursed for actual expenses incurred in service of
29 the task force.

30 (j) Support.--The Office of the Governor, the Senate, the

1 House of Representatives and the Administrative Offices of the
2 Pennsylvania Courts shall provide administrative services to the
3 task force or advisory committee.

4 (k) Applicability.--The following shall apply:

5 (1) (i) Except as provided under subparagraph (ii), the
6 act of February 14, 2008 (P.L.6, No.3), known as the
7 Right-to-Know Law, shall apply to the task force.

8 (ii) Correspondence between a person and a member of
9 the task force and records accompanying the
10 correspondence submitted under section 2104-E(a)(3) shall
11 be exempt from access by a requester under the Right-to-
12 Know Law. This subparagraph shall not apply to
13 correspondence between a member and a principal or
14 lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying).

15 (2) Except as provided under paragraph (3), the task
16 force shall be deemed an agency for the purposes of 65
17 Pa.C.S. Ch. 7 (relating to open meetings).

18 (3) Public notice of a meeting of the task force shall
19 be made by the issuance of a press release by the chairperson
20 no less than 24 hours prior to a meeting.

21 (4) A member of the task force shall be deemed a public
22 official for the purpose of 65 Pa.C.S. Ch. 11 (relating to
23 ethics standards and financial disclosure). A statement
24 required to be filed by a member under 65 Pa.C.S. § 1104(a)
25 (relating to statement of financial interests required to be
26 filed) due to the individual's membership on the task force
27 shall be filed only with the State Ethics Commission.

28 (5) The task force shall be considered an independent
29 agency for the purposes of the act of October 15, 1980
30 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

1 Section 2104-E. Functions of task force.

2 (a) Powers.--The task force shall have the following powers:

3 (1) To request periodic updates from each agency under
4 the Governor's jurisdiction, independent agencies, the
5 legislature and the unified judicial system on any actions
6 taken in response to the COVID-19 public health emergency.

7 (2) To appoint advisory committees under section 2103-
8 E(d).

9 (3) To receive communications from individuals,
10 businesses, nonprofit entities, local governments and any
11 other entity regarding issues under subsection (b)(2).

12 (b) Duties.--The task force shall have the following duties:

13 (1) To monitor and track the response by the
14 Commonwealth to the COVID-19 public health emergency during
15 the time that the order remains active, including all actions
16 taken under the authority of the order.

17 (2) To identify issues of immediate public importance
18 relating to the COVID-19 public health emergency that require
19 executive, legislative or judicial action and to make
20 recommendations to the proper branch in a timely fashion.

21 (3) To develop and submit a recovery plan to the
22 Executive Branch, Legislative Branch and Judicial Branch of
23 the Commonwealth's government. A recovery plan shall include
24 a documented, structured approach that describes how the
25 Commonwealth and its political subdivisions can expeditiously
26 resume mission-critical functions, including the restoration
27 of housing, transportation, education and other public
28 services and economic activity to levels equal to or better
29 than their predisaster states through a series of short-term,
30 intermediate and long-term strategies and actions. The

1 recovery plan may be based in part or in whole on the Federal
2 Emergency Management Agency's resources for recovery planning
3 and managing recovery.

4 (4) To make a final report no later than six months
5 after the order is terminated by executive order,
6 proclamation or operation of law documenting all of the
7 following:

8 (i) Actions taken by executive agencies under the
9 order.

10 (ii) Legislative enactments made in response to the
11 COVID-19 public health emergency.

12 (iii) Judicial orders made in response to the COVID-
13 19 public health emergency.

14 (iv) A summary of actions undertaken by local
15 governments in response to the COVID-19 public health
16 emergency.

17 (v) A detailed summary of the actions taken by the
18 task force and each advisory committee established under
19 section 2103-E(d).

20 Section 2105-E. Appropriation.

21 The amount of \$1,000 is appropriated from the General Fund to
22 the Department of Community and Economic Development for payment
23 of reasonable expenses under section 2103-E(i). The
24 appropriation under this section shall not lapse until the
25 expiration of this article under section 2106-E. Any amount of
26 the appropriation unexpended or uncommitted upon the expiration
27 under section 2106-E shall lapse.

28 Section 2106-E. Expiration.

29 This article shall expire six months after the order is
30 terminated by executive order, proclamation or operation of law.

1 Section 2. The act is amended by adding a section to read:

2 Section 2402.3. Report of State Facilities Owned or
3 Leased.--(a) The Department of General Services shall conduct
4 an annual survey of State facility usage.

5 (b) Each executive agency, independent agency and State-
6 affiliated entity shall report to the Department of General
7 Services each State facility which is under its control or which
8 it uses.

9 (c) The report under subsection (b) shall include, at a
10 minimum, the following information:

11 (1) Whether the State facility is State-owned or leased.

12 (2) Whether the State facility is occupied or vacant.

13 (3) The size of the State facility as measured in square
14 feet.

15 (4) The total expenditures for utilities per State facility
16 for the preceding twelve months.

17 (5) The amount of rent paid for the preceding twelve months
18 for any State facility that is leased.

19 (6) The purpose of the State facility.

20 (7) How to reduce costs associated with the State facility.

21 (d) Survey information under subsection (c) shall be
22 reported no later than June 30 of each year.

23 (e) On or before July 31 of each year, the Department of
24 General Services shall compile and report the survey information
25 obtained under subsection (c) to the chairperson and minority
26 chairperson of the State Government Committee of the Senate and
27 the chairperson and minority chairperson of the State Government
28 Committee of the House of Representatives.

29 (f) As used in this section, the following words and phrases
30 shall have the meanings given to them in this subsection:

1 "Executive agency" means an executive agency as defined in 62
2 Pa.C.S. § 103 (relating to definitions).

3 "Independent agency" means an independent agency as defined
4 in 62 Pa.C.S. § 103.

5 "State-affiliated entity" means a State-affiliated entity as
6 defined in 62 Pa.C.S. § 103.

7 "State facility" means a habitable structure or space under
8 the control of or used by an executive agency, independent
9 agency or State-affiliated entity.

10 Section 3. The act is amended by adding ~~an article~~ ARTICLES <--
11 to read:

12 ARTICLE XXVIII-G

13 EMERGENCY REGULATORY TOLLING

14 Section 2801-G. Emergency regulatory tolling.

15 (a) Tolling.--Except as set forth in subsection (c), a time
16 period applicable under the act of June 25, 1982 (P.L.633,
17 No.181), known as the Regulatory Review Act, to a proposed
18 regulation, a final-form regulation or a final-omitted
19 regulation as of the effective date of this section is tolled
20 under subsection (b). The following apply:

21 (1) A proposed regulation under this subsection may not
22 be submitted as a final-form regulation.

23 (2) A final-form regulation under this subsection may
24 not be promulgated as a regulation.

25 (3) A final-omitted regulation under this subsection may
26 not be promulgated as a regulation.

27 (b) Tolled period.--A time period under subsection (a) is
28 tolled until 90 days after the declaration is terminated by
29 executive order, proclamation or operation of law.

30 (c) Waiver.--Subsection (a) does not apply if there is a

1 waiver through the following process:

2 (1) Prior to the expiration of the tolled period tolling
3 under subsection (b), a Commonwealth agency may petition to
4 the appropriate standing committees of the Senate and House
5 of Representatives under section 7(d) of the Regulatory
6 Review Act, for a waiver of the tolling under subsection (a).

7 The petition must be:

8 (i) in writing;

9 (ii) signed by the head of the Commonwealth agency
10 or its governing body; and

11 (iii) submitted to the chair of each standing
12 committee for distribution to members.

13 (2) The waiver must be granted by a majority vote of
14 each standing committee.

15 (d) Definition.--As used in this section, the term
16 "declaration" means the declaration of disaster emergency issued
17 by the Governor on March 6, 2020, published in 50 Pa.B. 1644
18 (March 21, 2020) and any renewal of the state of disaster
19 emergency.

20 ARTICLE XXVIII-H

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21 COVID-19 COUNTY EMERGENCY MITIGATION

22 PLAN FOR BUSINESSES

23 SECTION 2801-H. COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR
24 BUSINESSES.

25 (A) MITIGATION PLAN.--NOTWITHSTANDING 35 PA.C.S. § 7301
26 (RELATING TO GENERAL AUTHORITY OF GOVERNOR), SECTIONS 2102 AND
27 2106 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
28 ADMINISTRATIVE CODE OF 1929, SECTION 8(A) OF THE ACT OF APRIL
29 27, 1905 (P.L.312, NO.218), ENTITLED "AN ACT CREATING A
30 DEPARTMENT OF HEALTH, AND DEFINING ITS POWERS AND DUTIES," AND

1 SECTION 5 OF THE ACT OF APRIL 23, 1956 (1955 P.L.1510, NO.500),
2 KNOWN AS THE DISEASE PREVENTION AND CONTROL LAW OF 1955, THE
3 GOVERNING BODY OF A COUNTY, IN CONSULTATION WITH ITS COUNTY
4 EMERGENCY MANAGEMENT AGENCY, COUNTY HEALTH DEPARTMENT, COUNTY
5 HEALTH OFFICER OR ANY OTHER APPROPRIATE HEALTH OR EMERGENCY
6 MANAGEMENT OFFICIAL, MAY DEVELOP AND IMPLEMENT A COUNTYWIDE PLAN
7 TO MITIGATE THE SPREAD OF COVID-19 FOR BUSINESSES IN ACCORDANCE
8 WITH SUBSECTION (B). THE COUNTYWIDE MITIGATION PLAN, INCLUDING
9 ANY MODIFICATIONS TO THE COUNTYWIDE MITIGATION PLAN AUTHORIZED
10 UNDER SUBSECTION (E), SHALL BE PUBLISHED ON THE COUNTY'S
11 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

12 (B) DEVELOPMENT.--THE COUNTYWIDE MITIGATION PLAN SHALL
13 PROVIDE AS FOLLOWS:

14 (1) ALL BUSINESSES IDENTIFIED AS "ESSENTIAL CRITICAL
15 INFRASTRUCTURE" IN AN ADVISORY MEMORANDUM ON IDENTIFICATION
16 OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19
17 RESPONSE, AS PUBLISHED BY THE UNITED STATES CYBERSECURITY AND
18 INFRASTRUCTURE SECURITY AGENCY (CISA), AND WHICH OPERATE
19 USING RECOMMENDED GUIDANCE FOR MITIGATING EXPOSURE TO COVID-
20 19 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND
21 THE ORDER OF THE SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH
22 SAFETY MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-
23 PERSON OPERATIONS SHALL BE PERMITTED TO OPERATE WITHIN THE
24 COUNTY.

25 (2) FOR A BUSINESS NOT INCLUDED IN AN ADVISORY
26 MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL
27 INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE, AS PUBLISHED
28 BY CISA, THE BUSINESS SHALL BE PERMITTED TO OPERATE WITHIN A
29 COUNTY IF THE BUSINESS:

30 (I) COMPLIES WITH RECOMMENDED GUIDANCE FOR

1 MITIGATING EXPOSURE TO COVID-19 FROM THE CENTERS FOR
2 DISEASE CONTROL AND PREVENTION AND THE ORDER OF THE
3 SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH SAFETY
4 MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-PERSON
5 OPERATIONS; AND

6 (II) HAS NOT BEEN DESIGNATED IN THE COUNTYWIDE
7 MITIGATION PLAN AS A DISALLOWED INDUSTRY.

8 (3) ANY BUSINESS AUTHORIZED TO OPERATE BY THE GOVERNOR
9 SHALL BE AUTHORIZED TO OPERATE UNDER A COUNTYWIDE MITIGATION
10 PLAN.

11 (C) COMPLIANCE.--NOTWITHSTANDING THE ORDERS ISSUED BY THE
12 GOVERNOR AND THE SECRETARY OF HEALTH RELATING TO THE CLOSURE OF
13 NONLIFE-SUSTAINING BUSINESSES ON MARCH 19, 2020, AS MAY BE
14 AMENDED OR SUPERSEDED BY SUBSEQUENT BUSINESS OPERATION EXECUTIVE
15 ORDERS, AND THE STATEWIDE STAY-AT-HOME ORDER ISSUED BY THE
16 GOVERNOR AND THE SECRETARY OF HEALTH ON APRIL 1, 2020, AS MAY BE
17 AMENDED OR SUPERSEDED BY SUBSEQUENT EXECUTIVE ORDERS, A BUSINESS
18 THAT COMPLIES WITH THE REQUIREMENTS OF THE COUNTY MITIGATION
19 PLAN MAY OPERATE WITHIN THE COUNTY AND INDIVIDUALS MAY LEAVE
20 THEIR RESIDENCE FOR THE PURPOSE OF PERFORMING WORK FOR THE
21 BUSINESS OR PATRONIZING THE BUSINESS.

22 (D) LIMITATION.--NOTHING IN THIS SECTION SHALL BE CONSTRUED
23 TO:

24 (1) REQUIRE A COUNTY TO RESCIND A LOCAL DECLARATION OF
25 EMERGENCY RELATING TO COVID-19; OR

26 (2) REVOKE, RESCIND OR OVERRULE THE PROCLAMATION OF
27 DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,
28 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL
29 OF THE STATE OF DISASTER EMERGENCY.

30 (E) MODIFICATION.--AT ANY TIME, THE GOVERNING BODY OF A

1 COUNTY MAY TAKE AN ACTION TO MODIFY THE COUNTYWIDE MITIGATION
2 PLAN TO EXPAND OR RESTRICT THE INDUSTRIES AUTHORIZED TO OPERATE
3 IN THE COUNTY OR RESCIND THE COUNTYWIDE MITIGATION PLAN
4 ENTIRELY. ADVANCE NOTICE OF AN ACTION TO MODIFY OR RESCIND A
5 COUNTYWIDE MITIGATION PLAN SHALL BE PUBLISHED ON THE COUNTY'S
6 PUBLICLY ACCESSIBLE INTERNET WEBSITE NO LATER THAN TWO DAYS
7 BEFORE THE IMPLEMENTATION OF THE ACTION.

8 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

11 "BUSINESS." ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY
12 COMPANY, LIMITED LIABILITY PARTNERSHIP, BUSINESS TRUST, SOLE
13 PROPRIETOR OR ANY OTHER INDIVIDUAL OR ENTITY DOING BUSINESS AND
14 OPERATING WITHIN A PHYSICAL LOCATION IN THIS COMMONWEALTH,
15 REGARDLESS OF WHETHER THE PHYSICAL LOCATION IS OPEN TO THE
16 PUBLIC.

17 "COUNTY." A COUNTY OR HOME RULE CHARTER COUNTY OF ANY
18 CLASSIFICATION.

19 "COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
20 DECLARATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
21 MARCH 6, 2020, PUBLISHED AT 50 PA.B 1644 (MARCH 21, 2020).

22 "DISALLOWED INDUSTRY." AN INDUSTRY THAT HAS BEEN PROHIBITED
23 UNDER THE COUNTY MITIGATION PLAN. THE TERM SHALL NOT INCLUDE AN
24 INDUSTRY THAT INCLUDES A BUSINESS THAT IS AUTHORIZED TO OPERATE
25 PURSUANT TO ANY OF THE FOLLOWING:

26 (1) A BUSINESS IDENTIFIED AS "ESSENTIAL CRITICAL
27 INFRASTRUCTURE" IN AN ADVISORY MEMORANDUM ON IDENTIFICATION
28 OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19
29 RESPONSE, PUBLISHED BY CISA.

30 (2) A BUSINESS AUTHORIZED TO OPERATE BY THE GOVERNOR.

1 "GOVERNING BODY." THE BOARD OF COUNTY COMMISSIONERS OR THE
2 COUNTY EXECUTIVE OR OTHER PERSON EXERCISING THE FUNCTIONS OF THE
3 COUNTY EXECUTIVE IN A COUNTY WITHOUT A BOARD OF COUNTY
4 COMMISSIONERS.

5 "INDUSTRY." A PARTICULAR FORM OR BRANCH OF ECONOMIC OR
6 COMMERCIAL ACTIVITY.

7 Section 4. This act shall take effect as follows:

8 (1) The addition of section 2402.3 of the act shall take
9 effect in 180 days.

10 (2) The remainder of this act shall take effect
11 immediately.