

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1166 Session of  
2020

INTRODUCED BY K. WARD, DiSANTO, KILLION, MARTIN, ARNOLD,  
BARTOLOTTA, ARGALL, MENSCH, STEFANO, PITTMAN, AUMENT,  
SCARNATI, CORMAN, BROOKS AND PHILLIPS-HILL, JUNE 5, 2020

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JULY 7, 2020

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution  
2 of Pennsylvania, in declaration of rights, providing for  
3 prohibition against denial or abridgment of equality of  
4 rights because of race and ethnicity; ~~and,~~ IN LEGISLATION, <--  
5 FURTHER PROVIDING FOR ACTION ON CONCURRENT ORDERS AND  
6 RESOLUTIONS; AND, in the executive, providing for disaster  
7 emergency ~~duration.~~ DECLARATION AND MANAGEMENT. <--

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby resolves as follows:

10 Section 1. The following separate and distinct amendments to  
11 the Constitution of Pennsylvania are proposed in accordance with  
12 Article XI:

13 (1) That Article I of the Constitution of Pennsylvania be  
14 amended by adding a section to read:

15 § 29. Prohibition against denial or abridgment of equality of  
16 rights because of race and ethnicity.

17 Equality of rights under the law shall not be denied or  
18 abridged in the Commonwealth of Pennsylvania because of the race

1 or ethnicity of the individual.

2 (1.1) THAT SECTION 9 OF ARTICLE III BE AMENDED TO READ: <--

3 § 9. ACTION ON CONCURRENT ORDERS AND RESOLUTIONS.

4 EVERY ORDER, RESOLUTION OR VOTE, TO WHICH THE CONCURRENCE OF  
5 BOTH HOUSES MAY BE NECESSARY, EXCEPT ON THE [QUESTION OF  
6 ADJOURNMENT] QUESTIONS OF ADJOURNMENT OR TERMINATION OR  
7 EXTENSION OF A DISASTER EMERGENCY DECLARATION AS DECLARED BY AN  
8 EXECUTIVE ORDER OR PROCLAMATION, OR PORTION OF A DISASTER  
9 EMERGENCY DECLARATION AS DECLARED BY AN EXECUTIVE ORDER OR  
10 PROCLAMATION, SHALL BE PRESENTED TO THE GOVERNOR AND BEFORE IT  
11 SHALL TAKE EFFECT BE APPROVED BY HIM, OR BEING DISAPPROVED,  
12 SHALL BE REPASSED BY TWO-THIRDS OF BOTH HOUSES ACCORDING TO THE  
13 RULES AND LIMITATIONS PRESCRIBED IN CASE OF A BILL.

14 (2) That Article IV be amended by adding a section to read:

15 ~~§ 20. Disaster emergency duration.~~ <--

16 ~~The Governor may issue emergency declarations under~~  
17 ~~circumstances provided for by law for that purpose. The General~~  
18 ~~Assembly may by law grant the Governor certain enumerated powers~~  
19 ~~to address and abate the declared emergency. A declaration by~~  
20 ~~the Governor of an emergency shall not last longer than 30 days~~  
21 ~~unless extended by a concurrent resolution of the General~~  
22 ~~Assembly approving the continuation of the declaration. Upon the~~  
23 ~~expiration of the Governor's emergency declaration, the Governor~~  
24 ~~may not declare a new state of emergency based upon the same or~~  
25 ~~substantially similar facts and circumstances without the~~  
26 ~~passage of a concurrent resolution of the General Assembly~~  
27 ~~expressly approving the new emergency declaration.~~

28 § 20. DISASTER EMERGENCY DECLARATION AND MANAGEMENT. <--

29 (A) A DISASTER EMERGENCY DECLARATION MAY BE DECLARED BY  
30 EXECUTIVE ORDER OR PROCLAMATION OF THE GOVERNOR UPON FINDING

1 THAT A DISASTER HAS OCCURRED OR THAT THE OCCURRENCE OR THREAT OF  
2 A DISASTER IS IMMINENT THAT THREATENS THE HEALTH, SAFETY OR  
3 WELFARE OF THIS COMMONWEALTH.

4 (B) EACH DISASTER EMERGENCY DECLARATION ISSUED BY THE  
5 GOVERNOR UNDER SUBSECTION (A) SHALL INDICATE THE NATURE, EACH  
6 AREA THREATENED AND THE CONDITIONS OF THE DISASTER, INCLUDING  
7 WHETHER THE DISASTER IS A NATURAL DISASTER, MILITARY EMERGENCY,  
8 PUBLIC HEALTH EMERGENCY, TECHNOLOGICAL DISASTER OR OTHER GENERAL  
9 EMERGENCY, AS DEFINED BY STATUTE. THE GENERAL ASSEMBLY SHALL, BY  
10 STATUTE, PROVIDE FOR THE MANNER IN WHICH EACH TYPE OF DISASTER  
11 ENUMERATED UNDER THIS SUBSECTION SHALL BE MANAGED.

12 (C) A DISASTER EMERGENCY DECLARATION UNDER SUBSECTION (A)  
13 SHALL BE IN EFFECT FOR NO MORE THAN TWENTY-ONE (21) DAYS, UNLESS  
14 OTHERWISE EXTENDED IN WHOLE OR PART BY CONCURRENT RESOLUTION OF  
15 THE GENERAL ASSEMBLY.

16 (D) UPON THE EXPIRATION OF A DISASTER EMERGENCY DECLARATION  
17 UNDER SUBSECTION (A), THE GOVERNOR MAY NOT ISSUE A NEW DISASTER  
18 EMERGENCY DECLARATION BASED UPON THE SAME OR SUBSTANTIALLY  
19 SIMILAR FACTS AND CIRCUMSTANCES WITHOUT THE PASSAGE OF A  
20 CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY EXPRESSLY  
21 APPROVING THE NEW DISASTER EMERGENCY DECLARATION.

22 Section 2. (a) Upon the first passage by the General  
23 Assembly of these proposed constitutional amendments, the  
24 Secretary of the Commonwealth shall proceed immediately to  
25 comply with the advertising requirements of section 1 of Article  
26 XI of the Constitution of Pennsylvania and shall transmit the  
27 required advertisements to two newspapers in every county in  
28 which such newspapers are published in sufficient time after  
29 passage of these proposed constitutional amendments.

30 (b) Upon the second passage by the General Assembly of these

1 proposed constitutional amendments, the secretary of the  
2 commonwealth shall proceed immediately to comply with the  
3 advertising requirements of section 1 of Article XI of the  
4 Constitution of Pennsylvania and shall transmit the required  
5 advertisements to two newspapers in every county in which such  
6 newspapers are published in sufficient time after passage of  
7 these proposed constitutional amendments. the Secretary of the  
8 Commonwealth shall:

9 (1) submit the proposed constitutional amendment under  
10 section 1(1) of this resolution to the qualified electors of  
11 this Commonwealth as a separate ballot question at the first  
12 primary, general or municipal election which meets the  
13 requirements of and is in conformance with section 1 of  
14 Article XI of the Constitution of Pennsylvania and which  
15 occurs at least three months after the proposed  
16 constitutional amendment is passed by the General Assembly.

17 (1.1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER <--  
18 SECTION 1(1.1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS  
19 OF THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE  
20 FIRST PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE  
21 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF  
22 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH  
23 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED  
24 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

25 (2) submit the proposed constitutional amendment under  
26 section 1(2) of this resolution to the qualified electors of  
27 this Commonwealth as a separate ballot question at the first  
28 primary, general or municipal election which meets the  
29 requirements of and is in conformance with section 1 of  
30 Article XI of the Constitution of Pennsylvania and which

1 occurs at least three months after the proposed  
2 constitutional amendment is passed by the General Assembly.