

AMENDMENTS TO SENATE BILL NO. 327

Sponsor: SENATOR SCARNATI

Printer's No. 1627

1 Amend Bill, page 1, line 27, by inserting after "leased;"
2 providing for COVID-19 county emergency mitigation plan for
3 businesses;

4 Amend Bill, page 13, by inserting between lines 4 and 5

5 Section 3. The act is amended by adding an article to read:

6 ARTICLE XXVIII-G

7 COVID-19 COUNTY EMERGENCY MITIGATION

8 PLAN FOR BUSINESSES

9 Section 2801-G. COVID-19 County Emergency Mitigation Plan for
10 Businesses.

11 (a) Mitigation plan.--Notwithstanding 35 Pa.C.S. § 7301
12 (relating to general authority of Governor), sections 2102 and
13 2106 of the act of April 9, 1929 (P.L.177, No.175), known as The
14 Administrative Code of 1929, section 8(a) of the act of April
15 27, 1905 (P.L.312, No.218), entitled "An act creating a
16 Department of Health, and defining its powers and duties," and
17 section 5 of the act of April 23, 1956 (1955 P.L.1510, No.500),
18 known as the Disease Prevention and Control Law of 1955, the
19 governing body of a county, in consultation with its county
20 emergency management agency, county health department, county
21 health officer or any other appropriate health or emergency
22 management official, may develop and implement a countywide plan
23 to mitigate the spread of COVID-19 for businesses in accordance
24 with subsection (b). The countywide mitigation plan, including
25 any modifications to the countywide mitigation plan authorized
26 under subsection (e), shall be published on the county's
27 publicly accessible Internet website.

28 (b) Development.--The countywide mitigation plan shall
29 provide as follows:

30 (1) All businesses identified as "essential critical
31 infrastructure" in an Advisory Memorandum on Identification
32 of Essential Critical Infrastructure Workers During COVID-19
33 Response, as published by the United States Cybersecurity and
34 Infrastructure Security Agency (CISA), and which operate
35 using recommended guidance for mitigating exposure to COVID-
36 19 from the Centers for Disease Control and Prevention shall
37 be permitted to operate within the county.

1 (2) For a business not included in an Advisory
2 Memorandum on Identification of Essential Critical
3 Infrastructure Workers During COVID-19 Response, as published
4 by CISA, the business shall be permitted to operate within a
5 county if the business:

6 (i) complies with recommended guidance for
7 mitigating exposure to COVID-19 from the Centers for
8 Disease Control and Prevention; and

9 (ii) has not been designated in the countywide
10 mitigation plan as a disallowed industry.

11 (3) Any business authorized to operate by the Governor
12 shall be authorized to operate under a countywide mitigation
13 plan.

14 (c) Compliance.--Notwithstanding the orders issued by the
15 Governor and the Secretary of Health relating to the closure of
16 non-life-sustaining businesses on March 19, 2020, and the
17 Statewide stay-at-home order issued by the Governor and the
18 Secretary of Health on April 1, 2020, as amended, a business
19 that complies with the requirements of the county mitigation
20 plan may operate within the county and individuals may leave
21 their residences for the purpose of performing work for the
22 business or patronizing the business.

23 (d) Limitation.--Nothing in this section shall be construed
24 to:

25 (1) require a county to rescind a local declaration of
26 emergency relating to COVID-19; or

27 (2) revoke, rescind or overrule the proclamation of
28 disaster emergency issued by the Governor on March 6, 2020,
29 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal
30 of the state of disaster emergency.

31 (e) Modifications.--At any time, the governing body of a
32 county may take an action to modify the countywide mitigation
33 plan to expand or restrict the industries authorized to operate
34 in the county or rescind the countywide mitigation plan
35 entirely. Advance notice of an action to modify or rescind a
36 countywide mitigation plan shall be published on the county's
37 publicly accessible Internet website no later than two days
38 before the implementation of the action.

39 (f) Expiration.--This section shall expire on the same date
40 as the termination or expiration of the declaration of disaster
41 emergency issued by the Governor on March 6, 2020, published at
42 50 Pa.B. 1644 (March 21, 2020).

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

46 "Business." Any corporation, partnership, limited liability
47 company, limited liability partnership, business trust, sole
48 proprietor, or any other individual or entity doing business and
49 operating within a physical location in this Commonwealth,
50 regardless of whether the physical location is open to the
51 public.

1 "County." A county or home rule charter county of any
2 classification.

3 "COVID-19." The novel coronavirus as identified in the
4 declaration of disaster emergency issued by the Governor on
5 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

6 "Governing body." The board of county commissioners or the
7 county executive or other person exercising the functions of the
8 county executive in a county without a board of county
9 commissioners.

10 "Industry." A particular form or branch of economic or
11 commercial activity.

12 Amend Bill, page 13, line 5, by striking out "3" and
13 inserting

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