AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for COVID-19 emergency statutory and regulatory suspensions and waivers reporting requirements, for COVID-19 debt cost reduction review and for COVID-19 Cost and Recovery Task Force; in powers and duties of the Department of General Services and its departmental administrative and advisory boards and commissions, providing for report of State facilities owned or leased; PROVIDING FOR COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR BUSINESSES; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:
Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding articles to read:

ARTICLE XXI-C

COVID-19 EMERGENCY STATUTORY AND REGULATORY SUSPENSIONS AND WAIVERS

REPORTING REQUIREMENTS

Section 2101-C. Definitions.

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

"Order." Any of the following:

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

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

Section 2102-C. Notification required.

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

(1) Any provision of regulatory statute or regulation
suspended or modified under 35 Pa.C.S. Ch. 73 Subch. A (relating to Commonwealth services) under the order.

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

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

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

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

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

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

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

ARTICLE XXI-D
COVID-19 DEBT COST REDUCTION REVIEW
Section 2101-D. Review of refinancing opportunities.
The Treasury Department, in conjunction with the Secretary of
the Budget, the Auditor General and any chairperson of an
authority, commission, agency, board or other State-authorized
tility that has the power to issue debt, shall identify and
review all outstanding debt obligations of the Commonwealth and
its authorities, commissions, agencies, boards or other State-
authorized entities and submit a report of the findings to the
General Assembly no later than June 30, 2020. In addition to the
identification and review of all outstanding debt obligations,
the report shall identify options for the refinancing of the
outstanding debt obligations to reduce the costs to the
Commonwealth and its authorities.

ARTICLE XXI-E

COVID-19 COST AND RECOVERY TASK FORCE

Section 2101-E. Legislative findings.

The General Assembly finds and declares as follows:

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

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

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

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

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

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

Section 2102-E. Definitions.

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

"Order." As follows:

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

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


Section 2103-E. Task force.

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

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

(1) The Governor or a designee.

(2) Two members of the Senate appointed by the President pro tempore of the Senate.

(3) Three members of the Senate appointed by the Majority Leader of the Senate.

(4) Three members of the Senate appointed by the Minority Leader of the Senate.

(5) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.

(6) Three members of the House of Representatives appointed by the Majority Leader of the House of Representatives.

(7) Three members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(8) The following individuals appointed by the Governor:

(i) An officer or employee of the Department of Health to represent the Secretary of Health.

(ii) An officer or employee of the Pennsylvania Emergency Management Agency to represent the Director of the Pennsylvania Emergency Management Agency.

(iii) An officer or employee of the Department of Community and Economic Development to represent the Secretary of Community and Economic Development.

(9) The following individuals appointed by the Chief Justice of the Supreme Court:


(ii) A judge of the Superior or Commonwealth Courts.
or a justice of the Supreme Court.

(iii) A judge of a court of common pleas or a member of the minor judiciary.

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

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

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

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

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

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

(e) Chairperson.--The Governor or a designee under subsection (b)(1) shall serve as chairperson of the task force.

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

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

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

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

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

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

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

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

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

(5) The task force may hold public hearings if necessary.

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

(j) Support.--The Office of the Governor, the Senate, the House of Representatives and the Administrative Offices of the Pennsylvania Courts shall provide administrative services to the task force.

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

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

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

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

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

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

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

Section 2104-E. Functions of task force.

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

(1) To request periodic updates from each agency under the Governor's jurisdiction, independent agencies, the legislature and the unified judicial system on any actions taken in response to the COVID-19 public health emergency.
(2) To appoint advisory committees under section 2103-E(d).

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

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

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

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

(3) To develop and submit a recovery plan to the Executive Branch, Legislative Branch and Judicial Branch of the Commonwealth's government. A recovery plan shall include a documented, structured approach that describes how the Commonwealth and its subdivisions can expeditiously resume mission-critical functions, including the restoration of housing, transportation, education and other public services and economic activity to levels equal to or better than their predisaster states through a series of short-term, intermediate and long-term strategies and actions. The recovery plan may be based in part or in whole on the Federal Emergency Management Agency's resources for recovery planning and managing recovery.

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

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

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

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

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

Section 2105-E. Appropriation.

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

Section 2106-E. Expiration.

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

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

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

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

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

(1) Whether the State facility is State-owned or leased.
(2) Whether the State facility is occupied or vacant.
(3) The size of the State facility as measured in square feet.
(4) The total expenditures for utilities per State facility for the preceding twelve months.
(5) The amount of rent paid for the preceding twelve months for any State facility that is leased.
(6) The purpose of the State facility.
(7) How to reduce costs associated with the State facility.

(d) Survey information under subsection (c) shall be reported no later than June 30 of each year.
(e) On or before July 31 of each year, the Department of General Services shall compile and report the survey information obtained under subsection (c) to the chairperson and minority chairperson of the State Government Committee of the Senate and the chairperson and minority chairperson of the State Government Committee of the House of Representatives.

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

"Executive agency" means an executive agency as defined in 62 Pa.C.S. § 103 (relating to definitions).
"Independent agency" means an independent agency as defined in 62 Pa.C.S. § 103.
"State-affiliated entity" means a State-affiliated entity as defined in 62 Pa.C.S. § 103.
"State facility" means a habitable structure or space under the control of or used by an executive agency, independent agency or State-affiliated entity.
SECTION 3. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:  

ARTICLE XXVIII-G

COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR BUSINESSES

SECTION 2801-G. COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR BUSINESSES.


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

(1) ALL BUSINESSES IDENTIFIED AS "ESSENTIAL CRITICAL INFRASTRUCTURE" IN AN ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE, AS PUBLISHED BY THE UNITED STATES CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA), AND WHICH OPERATE 20190SB0327PN1637 - 13 -
USING RECOMMENDED GUIDANCE FOR MITIGATING EXPOSURE TO COVID-19 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION SHALL BE PERMITTED TO OPERATE WITHIN THE COUNTY.

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

(I) COMPLIES WITH RECOMMENDED GUIDANCE FOR MITIGATING EXPOSURE TO COVID-19 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION; AND

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

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


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

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

(2) REVOKE, RESCIND OR OVERRULE THE PROCLAMATION OF 20190SB0327PN1637
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.

(E) MODIFICATIONS.--AT ANY TIME, THE GOVERNING BODY OF A
COUNTY MAY TAKE AN ACTION TO MODIFY THE COUNTYWIDE MITIGATION
PLAN TO EXPAND OR RESTRICT THE INDUSTRIES AUTHORIZED TO OPERATE
IN THE COUNTY OR RESCIND THE COUNTYWIDE MITIGATION PLAN
ENTIRELY. ADVANCE NOTICE OF AN ACTION TO MODIFY OR RESCIND A
COUNTYWIDE MITIGATION PLAN SHALL BE PUBLISHED ON THE COUNTY'S
PUBLICLY ACCESSIBLE INTERNET WEBSITE NO LATER THAN TWO DAYS
BEFORE THE IMPLEMENTATION OF THE ACTION.

(F) EXPIRATION.--THIS SECTION SHALL EXPIRE ON THE SAME DATE
AS THE TERMINATION OR EXPIRATION OF THE DECLARATION OF DISASTER
EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
50 PA.B. 1644 (MARCH 21, 2020).

(G) 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:
"BUSINESS." ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY
COMPANY, LIMITED LIABILITY PARTNERSHIP, BUSINESS TRUST, SOLE
PROPRIETOR, OR ANY OTHER INDIVIDUAL OR ENTITY DOING BUSINESS AND
OPERATING WITHIN A PHYSICAL LOCATION IN THIS COMMONWEALTH,
REGARDLESS OF WHETHER THE PHYSICAL LOCATION IS OPEN TO THE
PUBLIC.
"COUNTY." A COUNTY OR HOME RULE CHARTER COUNTY OF ANY
CLASSIFICATION.
"COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
DECLARATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).
"GOVERNING BODY." THE BOARD OF COUNTY COMMISSIONERS OR THE
COUNTY EXECUTIVE OR OTHER PERSON EXERCISING THE FUNCTIONS OF THE COUNTY EXECUTIVE IN A COUNTY WITHOUT A BOARD OF COUNTY COMMISSIONERS.

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

Section 3. This act shall take effect as follows:

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

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