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

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 emergency regulatory tolling AND 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:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
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 or board or other State authorized entity that has the power to issue debt, shall identify and review all outstanding debt obligations of the Commonwealth and its authorities, commissions, agencies AND boards or other State authorized entities and submit a report of the findings to the General Assembly no later than September 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.

EACH AGENCY IDENTIFIED UNDER THIS SECTION SHALL PROVIDE TO THE TREASURY DEPARTMENT, WITHIN 30 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, INFORMATION AS MAY BE REQUESTED BY THE TREASURY DEPARTMENT, INCLUDING THE FOLLOWING, RELATED TO ALL OUTSTANDING DEBT OBLIGATIONS OF THE AGENCY:

(1) TOTAL OUTSTANDING AMOUNT OF ALL OBLIGATIONS.

(2) MOST RECENT AUDITED FINANCIAL STATEMENT OF THE AGENCY.

(3) DESCRIPTION OF EACH OBLIGATION, IDENTIFYING SENIOR OR SUBORDINATE DEBT AND FEDERAL TAX TREATMENT.

(4) ACCOUNT OF ALL SECURITY PLEDGED FOR EACH OBLIGATION.

(5) MOST RECENT RATING ASSOCIATED WITH EACH DEBT OBLIGATION, INCLUDING RATE COVENANT AND MATURITY DATE.

(6) LIST OF ALL ADDITIONAL ASSOCIATED AGENCY OBLIGATIONS OR COVENANTS.

(7) ANNUAL DEBT SERVICE COST, DEBT SERVICE FUND AND DEBT SERVICE RESERVE FUND FOR EACH DEBT OBLIGATION.

(8) RISK FACTORS AND DISCLOSURE STATEMENTS ASSOCIATED WITH EACH DEBT OBLIGATION.
(9) PENDING LITIGATION THAT MAY FINANCIALLY IMPACT THE
DEBT OBLIGATIONS OF THE AGENCY.

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) The President pro tempore of the Senate or a designee.

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

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

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

(6) The Majority Leader of the House of Representatives
or a designee.

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

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

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

(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).

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

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

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

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

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

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

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

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

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

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

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

(5) 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 an advisory 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 or an advisory committee 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 or advisory committee.

(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 issues of immediate public importance relating to the COVID-19 public health emergency that require executive, legislative or judicial action and to make recommendations to the proper branch 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 political 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.

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

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 ARTICLES to read:

ARTICLE XXVIII-G

EMERGENCY REGULATORY TOLLING

Section 2801-G. Emergency regulatory tolling.

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

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

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

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

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

(c) Waiver.--Subsection (a) does not apply if there is a
waiver through the following process:

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

(i) in writing;

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

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

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

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

ARTICLE XXVIII-H

COVID-19 COUNTY EMERGENCY MITIGATION PLAN FOR BUSINESSES

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

(A) MITIGATION PLAN.--NOTWITHSTANDING 35 PA.C.S. § 7301 (RELATING TO GENERAL AUTHORITY OF GOVERNOR), SECTIONS 2102 AND 2106 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, SECTION 8(A) OF THE ACT OF APRIL 27, 1905 (P.L.312, NO.218), ENTITLED "AN ACT CREATING A DEPARTMENT OF HEALTH, AND DEFINING ITS POWERS AND DUTIES," AND
SECTION 5 OF THE ACT OF APRIL 23, 1956 (1955 P.L.1510, NO.500),
KNOWN AS THE DISEASE PREVENTION AND CONTROL LAW OF 1955, THE
GOVERNING BODY OF A COUNTY, IN CONSULTATION WITH ITS COUNTY
EMERGENCY MANAGEMENT AGENCY, COUNTY HEALTH DEPARTMENT, COUNTY
HEALTH OFFICER OR ANY OTHER APPROPRIATE HEALTH OR EMERGENCY
MANAGEMENT OFFICIAL, MAY DEVELOP AND IMPLEMENT A COUNTYWIDE PLAN
TO MITIGATE THE SPREAD OF COVID-19 FOR BUSINESSES IN ACCORDANCE
WITH SUBSECTION (B). THE COUNTYWIDE MITIGATION PLAN, INCLUDING
ANY MODIFICATIONS TO THE COUNTYWIDE MITIGATION PLAN AUTHORIZED
UNDER SUBSECTION (E), SHALL BE PUBLISHED ON THE COUNTY'S
PUBLICLY ACCESSIBLE INTERNET WEBSITE.

(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
USING RECOMMENDED GUIDANCE FOR MITIGATING EXPOSURE TO COVID-
19 FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND
THE ORDER OF THE SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH
SAFETY MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-
PERSON OPERATIONS 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 THE ORDER OF THE
SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH SAFETY
MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-PERSON
OPERATIONS: 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.

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

(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
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) MODIFICATION.--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) 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).

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

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

(2) A BUSINESS AUTHORIZED TO OPERATE BY THE GOVERNOR.
"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 4. 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.