

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1174 Session of  
2020

---

INTRODUCED BY AUMENT, YUDICHAK, PHILLIPS-HILL, ARNOLD, DiSANTO,  
MARTIN, MENSCH, ARGALL, PITTMAN, HUTCHINSON, GORDNER AND  
STEFANO, JUNE 5, 2020

---

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JUNE 5, 2020

---

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in Commonwealth services, further  
3 providing for general authority of Governor, providing for  
4 notification of suspensions, modifications and waivers and  
5 establishing the Disaster and Recovery Task Force.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 7301(c) of Title 35 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 7301. General authority of Governor.

11 \* \* \*

12 (c) Declaration of disaster emergency.--A disaster emergency  
13 shall be declared by executive order or proclamation of the  
14 Governor upon finding that a disaster has occurred or that the  
15 occurrence or the threat of a disaster is imminent. The state of  
16 disaster emergency shall continue until the Governor finds that  
17 the threat or danger has passed or the disaster has been dealt  
18 with to the extent that emergency conditions no longer exist and

1 terminates the state of disaster emergency by executive order or  
2 proclamation, but no state of disaster emergency may continue  
3 for longer than [90] 30 days unless renewed by the Governor[.]  
4 with majority approval by each chamber of the General Assembly  
5 by concurrent resolution, which shall not be subject to section  
6 9 of Article III of the Constitution of Pennsylvania. The  
7 General Assembly by concurrent resolution may terminate a state  
8 of disaster emergency at any time. Thereupon, the Governor shall  
9 issue an executive order or proclamation ending the state of  
10 disaster emergency. All executive orders or proclamations issued  
11 under this subsection shall indicate the nature of the disaster,  
12 the area or areas threatened and the conditions which have  
13 brought the disaster about or which make possible termination of  
14 the state of disaster emergency. An executive order or  
15 proclamation shall be disseminated promptly by means calculated  
16 to bring its contents to the attention of the general public  
17 and, unless the circumstances attendant upon the disaster  
18 prevent or impede, shall be promptly filed with the Pennsylvania  
19 Emergency Management Agency and the Legislative Reference Bureau  
20 for publication under Part II of Title 45 (relating to  
21 publication and effectiveness of Commonwealth documents).

22 \* \* \*

23 Section 2. Title 35 is amended by adding a section to read:  
24 § 7309. Notification of suspensions, modifications and waivers.

25 (a) Suspensions, modifications and waivers requiring  
26 modification.--The Office of the Governor shall notify the  
27 individuals under subsection (c) no later than provided under  
28 subsection (b) when a specific statute or regulation is  
29 suspended, modified or waived under the authority of the order  
30 or when a specific statute or regulation is first treated as

1 being suspended, modified or waived under a blanket suspension,  
2 modification or waiver under the order. A notification under  
3 this subsection shall, at minimum, notify the individuals of the  
4 following:

5 (1) Any provision of regulatory statute or regulation  
6 suspended or modified under the order.

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

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

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

14 (b) Timeline for notification.--A notification under this  
15 section shall be made within 12 hours of the suspension,  
16 modification or waiver under subsection (a).

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

24 (d) Definitions.--As used in this section, the following  
25 words and phrases shall have the meanings given to them in this  
26 subsection unless the context clearly indicates otherwise:

27 "Order." A declaration of disaster emergency issued by the  
28 Governor.

29 Section 3. Chapter 73 of Title 35 is amended by adding a  
30 subchapter to read:



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

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

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

7           (9) A member appointed under subsection (c).

8           (c) Representation.--The task force shall have equal  
9 representation by the two major political parties in this  
10 Commonwealth. If the two major political parties in this  
11 Commonwealth are not represented equally by the members or  
12 designees under subsection (b) (1), (2), (3), (4), (5), (6), (7)  
13 and (8), the following shall apply:

14           (1) The Majority Leader or Minority Leader of the  
15 Senate, whichever is of the same political party that has  
16 less members of the same political party on the task force,  
17 shall appoint one individual to the task force.

18           (2) If the appointment under paragraph (1) does not  
19 result in an equal representation by the two major political  
20 parties in this Commonwealth, the Majority Leader or Minority  
21 Leaders of the House of Representatives, whichever is of the  
22 same political party that has less members of the same  
23 political party on the task force, shall appoint one  
24 individual to the task force.

25           (3) If the appointment under paragraphs (1) and (2) do  
26 not result in an equal representation by the two major  
27 political parties in this Commonwealth, additional  
28 appointments shall be made as provided under paragraphs (1)  
29 and (2) until the two major political parties in this  
30 Commonwealth are equally represented.

1 (d) Method of appointment.--A member under subsection (b)  
2 shall make an appointment of a designee or a replacement  
3 appointment of a designee by the transmission of a letter to  
4 each other member under subsection (b).

5 (e) Executive advisors.--The following shall serve as  
6 advisors to the task force:

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

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

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

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

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

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

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

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

26 (f) Advisory committees.--The following shall apply:

27 (1) The task force may establish advisory committees to  
28 review issues relating to the emergency that require  
29 executive, legislative or judicial action and to report  
30 related information to the task force.

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

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

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

18           (5) An advisory committee established under this  
19 subsection shall be directed to review issues related to  
20 issues arising from the emergency and the impact those issues  
21 have had on this Commonwealth.

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

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

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

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

30           (2) Action of the task force must be authorized or

1 ratified by majority vote of the members of the task force.

2 (j) Meetings.--The following shall apply:

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

7 (2) The first meeting shall be convened within 10 days  
8 of the declaration of disaster emergency issued by the  
9 Governor.

10 (3) For a disaster emergency declaration due to a health  
11 emergency, the task force shall adhere to safety  
12 recommendations issued by the Secretary of Health or the  
13 Centers for Disease Control and Prevention.

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

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

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

24 (l) Support.--The Office of the Governor, the Senate, the  
25 House of Representatives and the Administrative Office of the  
26 Pennsylvania Courts shall provide administrative services to the  
27 task force or advisory committee.

28 (m) Applicability.--The following shall apply:

29 (1) As follows:

30 (i) Except as provided under subparagraph (ii), the



1 act of February 14, 2008 (P.L.6, No.3), known as the  
2 Right-to-Know Law, shall apply to the task force.

3 (ii) Correspondence between a person and a member of  
4 the task force and records accompanying the  
5 correspondence submitted under section 7393(a)(3) shall  
6 be exempt from access by a requester under the Right-to-  
7 Know Law. This subparagraph shall not apply to  
8 correspondence between a member and a principal or  
9 lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying  
10 disclosure).

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

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

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

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

27 § 7393. Functions.

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

29 (1) To request periodic updates from each agency under  
30 the Governor's jurisdiction, independent agencies, the

1 legislature and the unified judicial system on any actions  
2 taken in response to the emergency.

3 (2) To appoint advisory committees under section 7392(f)  
4 (relating to Disaster and Recovery Task Force).

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

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

9 (1) To monitor and track the response by the  
10 Commonwealth to the emergency during the time that the order  
11 remains active, including each action taken under the  
12 authority of the order.

13 (2) To identify issues of immediate public importance  
14 relating to the emergency that require executive, legislative  
15 or judicial action and to make recommendations to the proper  
16 branch in a timely fashion.

17 (3) To develop and submit a recovery plan to the  
18 executive branch, legislative branch and judicial branch of  
19 the Commonwealth. A recovery plan shall include a documented,  
20 structured approach that describes how the Commonwealth and  
21 its political subdivisions can expeditiously resume mission-  
22 critical functions, including the restoration of housing,  
23 transportation, education and other public services and  
24 economic activity to levels equal to or better than their  
25 predisaster states through a series of short-term,  
26 intermediate and long-term strategies and actions. The  
27 recovery plan may be based in part or in whole on the Federal  
28 Emergency Management Agency's resources for recovery planning  
29 and managing recovery.

30 (4) To make a final report no later than six months

1 after an order is terminated by executive order, proclamation  
2 or operation of law documenting all of the following:

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

5 (ii) Legislative enactments made in response to the  
6 emergency.

7 (iii) Judicial orders made in response to the  
8 emergency.

9 (iv) A summary of actions undertaken by local  
10 governments in response to the emergency.

11 (v) A detailed summary of the actions taken by the  
12 task force and each advisory committee.

13 § 7394. Reasonable expenses.

14 The task force may submit reasonable expenses under section  
15 7392 (relating to Disaster and Recovery Task Force) to the  
16 Department of Community and Economic Development for payment.

17 Section 4. This act shall take effect immediately.