

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 2 Session of 2021

INTRODUCED BY K. WARD, DiSANTO, MARTIN, PHILLIPS-HILL, J. WARD, BARTOLOTTA, ARGALL, STEFANO, AUMENT, MASTRIANO, ARNOLD, GORDNER, BROOKS, PITTMAN, LANGERHOLC, REGAN, BAKER, ROBINSON, TOMLINSON, SCAVELLO, HUTCHINSON, BROWNE, CORMAN, MENSCH, VOGEL, YAW, YUDICHAK, LAUGHLIN AND DUSH, JANUARY 20, 2021

AS AMENDED ON SECOND CONSIDERATION, JANUARY 25, 2021

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; in legislation, further  
5 providing for action on concurrent orders and resolutions;  
6 and, in the executive, providing for disaster emergency  
7 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 declaration and management.

16 (a) A disaster emergency declaration may be declared by  
17 executive order or proclamation of the Governor upon finding  
18 that a disaster has occurred or that the occurrence or threat of  
19 a disaster is imminent that threatens the health, safety or  
20 welfare of this Commonwealth.

21 (b) Each disaster emergency declaration issued by the  
22 Governor under subsection (a) shall indicate the nature, each  
23 area threatened and the conditions of the disaster, including  
24 whether the disaster is a natural disaster, military emergency,  
25 public health emergency, technological disaster or other general  
26 emergency, as defined by statute. The General Assembly shall, by  
27 statute, provide for the manner in which each type of disaster  
28 enumerated under this subsection shall be managed.

29 (c) A disaster emergency declaration under subsection (a)  
30 shall be in effect for no more than ~~21~~ TWENTY-ONE (21) days,

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1 unless otherwise extended in whole or part by concurrent  
2 resolution of the General Assembly.

3 (d) Upon the expiration of a disaster emergency declaration  
4 under subsection (a), the Governor may not issue a new disaster  
5 emergency declaration based upon the same or substantially  
6 similar facts and circumstances without the passage of a  
7 concurrent resolution of the General Assembly expressly  
8 approving the new disaster emergency declaration.

9 Section 2. (a) Upon the first passage by the General  
10 Assembly of these proposed constitutional amendments, the  
11 Secretary of the Commonwealth shall proceed immediately to  
12 comply with the advertising requirements of section 1 of Article  
13 XI of the Constitution of Pennsylvania and shall transmit the  
14 required advertisements to two newspapers in every county in  
15 which such newspapers are published in sufficient time after  
16 passage of these proposed constitutional amendments.

17 (b) Upon the second passage by the General Assembly of these  
18 proposed constitutional amendments, the secretary of the  
19 commonwealth shall proceed immediately to comply with the  
20 advertising requirements of section 1 of Article XI of the  
21 Constitution of Pennsylvania and shall transmit the required  
22 advertisements to two newspapers in every county in which such  
23 newspapers are published in sufficient time after passage of  
24 these proposed constitutional amendments. The Secretary of the  
25 Commonwealth shall:

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

1 Article XI of the Constitution of Pennsylvania and which  
2 occurs at least three months after the proposed  
3 constitutional amendment is passed by the General Assembly.

4 (1.1) Submit the proposed constitutional amendment under  
5 section 1(1.1) of this resolution to the qualified electors  
6 of this Commonwealth as a separate ballot question at the  
7 first primary, general or municipal election which meets the  
8 requirements of and is in conformance with section 1 of  
9 Article XI of the Constitution of Pennsylvania and which  
10 occurs at least three months after the proposed  
11 constitutional amendment is passed by the General Assembly.

12 (2) Submit the proposed constitutional amendment under  
13 section 1(2) of this resolution to the qualified electors of  
14 this Commonwealth as a separate ballot question at the first  
15 primary, general or municipal election which meets the  
16 requirements of and is in conformance with section 1 of  
17 Article XI of the Constitution of Pennsylvania and which  
18 occurs at least three months after the proposed  
19 constitutional amendment is passed by the General Assembly.