
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 231 Session of
2021

INTRODUCED BY AUMENT, YUDICHAK, SCAVELLO, PHILLIPS-HILL, MARTIN,
MENSCH, ARGALL, PITTMAN, YAW, DiSANTO, STEFANO AND
HUTCHINSON, FEBRUARY 16, 2021

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 16, 2021

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 SUBCHAPTER G

2 DISASTER AND RECOVERY TASK FORCE

3 Sec.

4 7391. Definitions.

5 7392. Disaster and Recovery Task Force.

6 7393. Functions.

7 7394. Reasonable expenses.

8 § 7391. Definitions.

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

12 "Order." A declaration of disaster emergency issued by the
13 Governor.

14 "Task force." The Disaster and Recovery Task Force
15 established under section 7392 (relating to Disaster and
16 Recovery Task Force).

17 § 7392. Disaster and Recovery Task Force.

18 (a) Establishment.--Upon the declaration of a disaster
19 emergency by the Governor, the Disaster and Recovery Task Force
20 shall be established within five days of the effective date of
21 the disaster emergency declaration.

22 (b) Membership.--The task force shall consist of the
23 following members:

24 (1) The Governor or a designee.

25 (2) The President pro tempore of the Senate or a
26 designee.

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

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

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

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.