

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 775 Session of  
2023

---

INTRODUCED BY HUTCHINSON, DUSH, BROWN, KEARNEY AND COMITTA,  
JUNE 14, 2023

---

REFERRED TO LOCAL GOVERNMENT, JUNE 14, 2023

---

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in general provisions, further  
3 providing for scope of subchapter, providing for definitions,  
4 further providing for establishment and designation,  
5 providing for emergency meetings by authorized  
6 telecommunications device, repealing provisions relating to  
7 exercise of powers and functions, further providing for  
8 declaration of policy and for definitions, repealing  
9 provisions relating to enabling authority for emergency  
10 interim successors for local offices, further providing for  
11 emergency interim successors for local officers and for  
12 succession period and repealing provisions relating to term  
13 and removal of designees.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 1121 of Title 53 of the Pennsylvania  
17 Consolidated Statutes is amended to read:

18 § 1121. Scope of subchapter.

19 This subchapter applies to all [political subdivisions]  
20 municipalities.

21 Section 2. Title 53 is amended by adding a section to read:

22 § 1121.1. Definitions.

23 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Authorized telecommunications device." The term includes  
4 any device which permits, at a minimum, audio communication  
5 between individuals.

6 "Emergency." A disaster emergency declared under 35 Pa.C.S.  
7 § 7301 (relating to general authority of Governor) or 7501  
8 (relating to general authority of political subdivisions) that  
9 directly impacts a municipality's ability to provide services or  
10 hold a regular or special meeting of the governing body of the  
11 municipality.

12 Section 3. Section 1122 of Title 53 is amended to read:

13 § 1122. Establishment and designation.

14 Whenever, due to an emergency [resulting from the effects of  
15 enemy attack or the anticipated effects of a threatened enemy  
16 attack, it becomes imprudent, inexpedient or impossible to  
17 conduct the affairs of local government at the regular or usual  
18 place, the governing body of each political subdivision of this  
19 Commonwealth may meet at any place within or without the  
20 territorial limits of the political subdivision.] it is unsafe,  
21 hazardous to human health or impossible to conduct a regular or  
22 special meeting at the location where the municipality's  
23 meetings are regularly held, the governing body of each  
24 municipality of this Commonwealth may meet at any place within  
25 the territorial limits of the municipality, within the  
26 territorial limits of an adjacent municipality or another  
27 location as near the municipality as practical. The meeting may  
28 be held on the call of the presiding officer or any two members  
29 of the governing body and shall proceed to establish and  
30 designate, by ordinance, resolution or other manner, alternate

1 or substitute sites or places as the emergency temporary  
2 location or locations of government where all or any part of the  
3 public business may be transacted and conducted during the  
4 emergency situation. These sites or places may be within or  
5 without the territorial limits of the [political subdivision]  
6 municipality and may be within or without this Commonwealth.  
7 Except in the case when it is unsafe, hazardous to human health  
8 or impossible, the governing body shall post information on how  
9 to access the meeting at the entrance of the location where the  
10 municipality's meetings are regularly held.

11 Section 4. Title 53 is amended by adding a section to read:  
12 § 1122.1. Emergency meetings by authorized telecommunications  
13 device.

14 (a) Authorization.--Whenever the governing body of a  
15 municipality is required to establish a quorum of members  
16 physically present to conduct hearings, meetings, proceedings or  
17 other business, the governing body may conduct its business  
18 through the use of an authorized telecommunications device  
19 during an emergency if the conditions that have rendered a  
20 meeting with the physical presence of the participants unsafe,  
21 hazardous to human health or impossible would be alleviated  
22 through the use of an authorized telecommunications device.

23 (b) Quorum.--Notwithstanding any other provision of law, a  
24 hearing, meeting, proceeding or other business conducted through  
25 an authorized telecommunications device under this subsection  
26 shall not require the physical presence at a meeting location of  
27 a quorum of the participating members if a quorum is otherwise  
28 established by the participating members through the authorized  
29 telecommunications device.

30 (c) Advance notice.--Unless prohibited by exigent

1 circumstances, the governing body of a municipality shall post  
2 no less than 24 hours advance notice of each meeting conducted  
3 under subsection (a) on the entity's publicly accessible  
4 Internet website, if any, or in an advertisement in a newspaper  
5 of general circulation, or both. Public notice shall include the  
6 date, time, technology to be used and public participation  
7 information as provided under subsection (d). The governing body  
8 shall comply with any other notification requirement of 65  
9 Pa.C.S. Ch. 7 (relating to open meetings) to the extent  
10 practicable. Except in the case when it is unsafe, hazardous to  
11 human health or impossible, the governing body shall post  
12 information on how to access the meeting under subsection (a) at  
13 the entrance of the location where the municipality's meetings  
14 are regularly held.

15 (d) Public participation.--To the extent practicable, the  
16 governing body of a municipality shall allow for public  
17 participation in a meeting, hearing or proceeding through an  
18 authorized telecommunications device.

19 (e) Extended emergency meeting authorizations prohibited.--  
20 The authorization to conduct meetings by authorized  
21 telecommunications device under this section shall expire after  
22 the 21st consecutive day following the emergency declaration  
23 unless the governing body of the municipality establishes by  
24 resolution that meeting by authorized telecommunications device  
25 is essential to comply with a disaster emergency declaration or  
26 proclamation of the Governor as extended by the General  
27 Assembly.

28 Section 5. Section 1123 of Title 53 is repealed:

29 [**§ 1123. Exercise of powers and functions.**]

30 **During the period when the public business is being conducted**

1 at the emergency temporary location or locations, the governing  
2 body and other officers of a political subdivision of this  
3 Commonwealth shall exercise at the location or locations all of  
4 the executive, legislative and judicial powers and functions  
5 conferred upon the governing body and officers by law. These  
6 powers and functions may be exercised in the light of the  
7 exigencies of the emergency situation without regard to time-  
8 consuming procedures and formalities prescribed by law and  
9 pertaining to them, and all acts of the governing body and  
10 officers shall be as valid and binding as if performed within  
11 the territorial limits of their political subdivision.]

12 Section 6. Section 1132 of Title 53 is amended to read:

13 § 1132. Declaration of policy.

14 [Because of the existing possibility of attack upon the  
15 United States of unprecedented size and destructiveness and in  
16 order, in the event of such an attack, to] To assure continuity  
17 of government through legally constituted authority and  
18 responsibility in offices of the municipalities of this  
19 Commonwealth, to provide for the effective operation of  
20 government during an emergency and to facilitate the early  
21 resumption of functions temporarily suspended, it is found and  
22 declared to be necessary to provide for emergency interim  
23 succession to offices of the municipalities of this Commonwealth  
24 in the event the incumbents and their deputies authorized to  
25 exercise all of the powers and discharge the duties of these  
26 offices, referred to in this subchapter as deputies, are  
27 unavailable to exercise the powers and perform the duties of  
28 these offices.

29 Section 7. The definition of "attack" in section 1133 of  
30 Title 53 is amended and the section is amended by adding a

1 definition to read:

2 § 1133. Definitions.

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

6 ["Attack." Any attack on the United States which causes or  
7 may cause substantial damage or injury to civilian persons or  
8 property in any manner by sabotage or by the use of bombs,  
9 missiles or shellfire or by atomic, radiological, chemical,  
10 bacteriological or biological means or other weapons or  
11 processes.]

12 "Emergency." A disaster emergency declared under 35 Pa.C.S.  
13 § 7301 (relating to general authority of Governor) or 7501  
14 (relating to general authority of political subdivisions).

15 \* \* \*

16 Section 8. Section 1134 of Title 53 is repealed:

17 [§ 1134. Enabling authority for emergency interim successors  
18 for local offices.]

19 With respect to local offices for which the legislative  
20 bodies of municipalities may enact resolutions or ordinances  
21 relative to the manner in which vacancies will be filled or  
22 temporary appointments to office made, the legislative bodies  
23 are authorized to enact resolutions or ordinances providing for  
24 emergency interim successors to offices. The resolutions and  
25 ordinances shall not be inconsistent with this subchapter.]

26 Section 9. Sections 1135 and 1137 of Title 53 are amended to  
27 read:

28 § 1135. Emergency interim successors for local officers.

29 [This section is applicable to officers of municipalities not  
30 included in section 1134 (relating to enabling authority for

1 emergency interim successors for local offices).] Each officer[,  
2 subject to any regulations as the executive head of the  
3 municipality may issue, shall] may designate by title[, if  
4 feasible, or by named person] one or more emergency interim  
5 successors and specify their order of succession. The officer  
6 shall review and revise, as necessary, designations made  
7 pursuant to this subchapter. [The officer will designate a  
8 sufficient number of persons so that there will be not less than  
9 three deputies or emergency interim successors or any  
10 combination of them.] If any officer or deputy of any  
11 municipality is unavailable, the powers of the office shall be  
12 exercised and the duties discharged by his designated emergency  
13 interim successors in the order specified. The emergency interim  
14 successors, in the order specified, shall exercise the powers  
15 and discharge the duties of the office to which designated until  
16 the vacancy is filled in accordance with the Constitution of  
17 Pennsylvania or statutes or until the officer, or his deputy or  
18 a preceding emergency interim successor, ceases to be  
19 unavailable.

20 § 1137. Succession period.

21 Emergency interim successors may exercise the powers and  
22 discharge the duties of an office as authorized in this  
23 subchapter only [after an attack has occurred. The General  
24 Assembly, by concurrent resolution, may terminate the] during an  
25 emergency. The authority of the emergency interim successors to  
26 exercise the powers and discharge the duties of office as  
27 provided under this subchapter shall terminate on the selection,  
28 appointment or election of a permanent successor as required by  
29 law.

30 Section 10. Section 1138 of Title 53 is repealed:

1 [§ 1138. Term and removal of designees.

2       Until the persons designated as emergency interim successors  
3 are authorized to exercise the powers and discharge the duties  
4 of an office in accordance with this subchapter, including  
5 section 1137 (relating to succession period), these persons may  
6 be removed or replaced by the designating authority at any time,  
7 with or without cause.]

8       Section 11. This act shall take effect in 60 days.