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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 106 Session of  
2021

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INTRODUCED BY BENNINGHOFF, MAY 24, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 24, 2021

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A CONCURRENT RESOLUTION

1 Extending in part and terminating in part the March 6, 2020,  
2 proclamation of disaster emergency, as amended and renewed,  
3 issued under the hand and seal of the Governor, Thomas  
4 Westerman Wolf.

5 WHEREAS, On March 6, 2020, the Governor issued a proclamation  
6 declaring a disaster emergency in response to the existence of  
7 COVID-19 cases in Pennsylvania; and

8 WHEREAS, On June 3, 2020, the Governor issued an amendment to  
9 the proclamation of disaster emergency renewing the March 6,  
10 2020, declaration for an additional 90 days; and

11 WHEREAS, On August 31, 2020, the Governor issued an amendment  
12 to the proclamation of disaster emergency renewing the  
13 declaration for an additional 90 days; and

14 WHEREAS, On November 29, 2020, the Governor issued an  
15 amendment to the proclamation of disaster emergency renewing the  
16 declaration for an additional 90 days; and

17 WHEREAS, On February 19, 2021, the Governor issued an  
18 amendment to the proclamation of disaster emergency renewing the  
19 declaration for an additional 90 days; and

1       WHEREAS, On May 20, 2021, the Governor issued an amendment to  
2 the proclamation of disaster emergency renewing the declaration;  
3 and

4       WHEREAS, On May 18, 2021, the People of Pennsylvania adopted  
5 an amendment to section 9 of Article III of the Constitution of  
6 Pennsylvania which provides that orders, resolutions or votes  
7 "to which the concurrence of both Houses may be necessary,  
8 except on the questions of ... termination or extension of a  
9 disaster emergency declaration as declared by an executive order  
10 or proclamation, or portion of a disaster emergency declaration  
11 as declared by an executive order or proclamation, shall be  
12 presented to the Governor" for his approval or veto; and

13       WHEREAS, On May 18, 2021, the People of Pennsylvania adopted  
14 section 20(c) of Article IV of the Constitution of Pennsylvania  
15 which provides, in relevant part, "A disaster emergency  
16 declaration under subsection (a) shall be in effect for no more  
17 than twenty-one (21) days, unless otherwise extended in whole or  
18 part by concurrent resolution of the General Assembly";  
19 therefore be it

20       RESOLVED (The Senate concurring), That the General Assembly,  
21 in accordance with section 20 of Article IV of the Constitution  
22 of Pennsylvania, hereby terminates in part and extends in part  
23 the disaster emergency declared on March 6, 2020, as amended and  
24 renewed, in response to COVID-19; and be it further

25       RESOLVED, That the General Assembly terminate, and not extend  
26 in part, the following portions of the disaster emergency  
27 declaration:

28           (1) The portion of the disaster emergency declaration  
29       permitting the declaration to serve as the written  
30       determination of the basis for the emergency under 62 Pa.C.S.

1 § 516. An emergency procurement under 62 Pa.C.S. § 516  
2 relating the novel coronavirus known as COVID-19 shall  
3 include a written determination for the basis of the  
4 emergency other than a proclamation of the Governor.

5 (2) The portion of the disaster emergency declaration  
6 suspending the provisions of any regulatory statute  
7 prescribing the procedures for conduct of Commonwealth  
8 business, or the orders, rules or regulations of any  
9 Commonwealth agency, but only to the extent that it applies  
10 to any of the following statutes, orders, rules or  
11 regulations:

12 (i) 62 Pa.C.S. Pt. I.

13 (ii) (Reserved).

14 (3) The portion of the disaster emergency declaration  
15 requiring Commonwealth agencies to implement emergency  
16 assignments without regard to procedures required by other  
17 laws pertaining to performance of public work, entering into  
18 contracts, incurring of obligations, employment of temporary  
19 workers, rental of equipment, purchase of supplies and  
20 materials, and expenditures of public funds.

21 (4) The portion of the disaster emergency declaration  
22 authorizing the Department of Labor and Industry to suspend  
23 or waive the requirements of section 401(b) of the act of  
24 December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known  
25 as the Unemployment Compensation Law.

26 (5) The portion of the disaster emergency declaration  
27 setting maximum occupancy limits.

28 (6) The portion of the disaster emergency declaration  
29 closing the physical location of non-life-sustaining  
30 businesses.

1           (7) The portion of the disaster emergency declaration  
2       resulting in stay-at-home orders;  
3 and be it further

4       RESOLVED, That this extension in part of the disaster  
5 emergency declared on March 6, 2020, as amended and renewed, in  
6 response to COVID-19, shall expire on October 1, 2021, except as  
7 terminated or extended, in whole or in part, by the General  
8 Assembly; and be it further

9       RESOLVED, That any portion of the disaster emergency  
10 declaration which is not terminated in part shall be extended in  
11 part; and be it further

12       RESOLVED, That upon adoption of this concurrent resolution by  
13 both chambers of the General Assembly, the Chief Clerk of the  
14 House of Representatives shall notify the Governor of the  
15 General Assembly's action; and be it further

16       RESOLVED, That the Chief Clerk of the House of  
17 Representatives shall transmit this concurrent resolution to the  
18 Legislative Reference Bureau for publication in the Pennsylvania  
19 Bulletin under 45 Pa.C.S. § 725(a)(4).