

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2549 Session of 2020

INTRODUCED BY EVERETT, MAY 26, 2020

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 7, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,
34 every State depository and every debtor or creditor of the

1 Commonwealth," providing for ~~reopening of designated county~~ <--
2 COVID-19 COUNTYWIDE REOPENING PLAN FOR BUSINESSES. <--

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
6 as The Administrative Code of 1929, is amended by adding an
7 article to read:

8 ARTICLE I A <--

9 REOPENING OF DESIGNATED COUNTY

10 Section 101 A. Criteria to transfer to Green Phase.

11 ~~(a) Eligibility. A county which has been designated by~~
12 ~~executive action to be in the Yellow Phase may, after 21 days in~~
13 ~~the Yellow Phase, transfer to the Green Phase if:~~

14 ~~(1) the area in which the designated county is located~~
15 ~~has experienced less than 50 cases of COVID 19 per 100,000~~
16 ~~residents for the preceding 14 days;~~

17 ~~(2) the governing body of the designated county~~
18 ~~determines that it is in the best interests of the residents~~
19 ~~of the county to move to the Green Phase;~~

20 ~~(3) the governing body of the county determines that~~
21 ~~there are sufficient medical assets available in the area to~~
22 ~~address the number of COVID 19 cases anticipated based on the~~
23 ~~historical rate of cases in the area; and~~

24 ~~(4) the governing body of the county determines that~~
25 ~~there is sufficient testing in the area to monitor public~~
26 ~~health indicators and adjust orders and restrictions as~~
27 ~~necessary to ensure the spread of disease remains at a~~
28 ~~minimum.~~

29 ~~(b) Process. The governing body of a designated county~~
30 ~~which meets the requirements of subsection (a) may, by~~
31 ~~resolution, transfer the designation of the county from the~~

1 ~~Yellow Phase to the Green Phase.~~

2 ~~Section 102 A. Operation upon transfer to Green Phase.~~

3 ~~The following shall apply to a county that has transferred to~~
4 ~~the Green Phase under section 101 A:~~

5 ~~(1) Businesses may operate under Centers for Disease~~
6 ~~Control and Prevention Phase 3 guidance.~~

7 ~~(2) Individuals must follow Centers for Disease Control~~
8 ~~and Prevention Phase 3 guidance.~~

9 ~~(3) Gatherings must be limited to 250 individuals at a~~
10 ~~single location using Centers for Disease Control and~~
11 ~~Prevention Phase 3 guidance.~~

12 ~~(4) Amusement parks, zoos and outdoor entertainment~~
13 ~~venues may have more than 250 individuals on the premises at~~
14 ~~one time, except that the venues may not have gatherings of~~
15 ~~more than 250 individuals at a single location. Venues must~~
16 ~~follow Centers for Disease Control and Prevention guidance.~~

17 ARTICLE I-A

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18 COVID-19 COUNTYWIDE REOPENING PLAN FOR BUSINESSES

19 SECTION 101-A. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "BUSINESS." A CORPORATION, PARTNERSHIP, LIMITED LIABILITY
24 COMPANY, LIMITED LIABILITY PARTNERSHIP, BUSINESS TRUST, SOLE
25 PROPRIETOR OR OTHER INDIVIDUAL OR ENTITY DOING BUSINESS AND
26 OPERATING WITHIN A PHYSICAL LOCATION IN THIS COMMONWEALTH,
27 REGARDLESS OF WHETHER THE PHYSICAL LOCATION IS OPEN TO THE
28 PUBLIC.

29 "COUNTY." A COUNTY OR HOME RULE CHARTER COUNTY OF ANY
30 CLASSIFICATION.

1 "COVID-19." AS IDENTIFIED IN THE PROCLAMATION OF DISASTER
2 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
3 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF
4 DISASTER EMERGENCY.

5 "GOVERNING BODY." THE BOARD OF COUNTY COMMISSIONERS OR THE
6 COUNTY EXECUTIVE OR OTHER PERSON EXERCISING THE FUNCTIONS OF THE
7 COUNTY EXECUTIVE IN A COUNTY WITHOUT A BOARD OF COUNTY
8 COMMISSIONERS.

9 SECTION 102-A. TRANSFER TO GREEN PLUS PHASE.

10 (A) ELIGIBILITY.--A COUNTY WHICH HAS BEEN DESIGNATED BY
11 EXECUTIVE ACTION TO BE IN THE GREEN PHASE MAY, AFTER 14 DAYS IN
12 THE GREEN PHASE, TRANSFER TO THE GREEN PLUS PHASE UNDER THIS
13 SECTION IF:

14 (1) THE COUNTY HAS NOT EXPERIENCED A SIGNIFICANT
15 INCREASE IN CONFIRMED COVID-19 CASES IN THAT 14-DAY PERIOD.

16 (2) THE GOVERNING BODY OF THE DESIGNATED COUNTY
17 DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE RESIDENTS
18 OF THE COUNTY TO MOVE TO THE GREEN PLUS PHASE.

19 (3) THE GOVERNING BODY OF THE DESIGNATED COUNTY
20 DETERMINES THAT THERE ARE SUFFICIENT MEDICAL ASSETS AVAILABLE
21 IN THE COUNTY TO ADDRESS THE NUMBER OF COVID-19 CASES
22 ANTICIPATED BASED ON THE HISTORICAL RATE OF CASES IN THE
23 COUNTY.

24 (4) THE GOVERNING BODY OF THE DESIGNATED COUNTY
25 DETERMINES THAT THERE IS SUFFICIENT TESTING IN THE COUNTY TO
26 MONITOR PUBLIC HEALTH INDICATORS AND ADJUST ORDERS AND
27 RESTRICTIONS AS NECESSARY TO ENSURE THE SPREAD OF DISEASE
28 REMAINS AT A MINIMUM.

29 (B) PROCESS.--THE GOVERNING BODY OF A DESIGNATED COUNTY
30 WHICH MEETS THE REQUIREMENTS UNDER SUBSECTION (A) MAY, BY

1 RESOLUTION, TRANSFER THE DESIGNATION OF THE COUNTY FROM THE
2 GREEN PHASE TO THE GREEN PLUS PHASE.

3 (C) REOPENING OF BUSINESSES.--NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, THE GOVERNING BODY OF A COUNTY THAT
5 TRANSITIONS TO THE GREEN PLUS PHASE UNDER THIS SECTION MAY
6 DEVELOP AND IMPLEMENT A COUNTYWIDE REOPENING PLAN FOR BUSINESSES
7 SUBJECT TO CLOSURE BY THE GOVERNOR DUE TO THE SPREAD OF COVID-19
8 WHICH SHALL REQUIRE THAT BUSINESSES IMPLEMENT, TO THE EXTENT
9 POSSIBLE, APPLICABLE GUIDELINES FROM THE CENTERS FOR DISEASE
10 CONTROL AND PREVENTION TO MITIGATE THE SPREAD OF COVID-19.

11 Section 2. This act shall take effect immediately.