

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.