

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 841 Session of 2019

INTRODUCED BY MARTIN, GORDNER, YAW, MENSCH, KILLION, COSTA, MASTRIANO, BARTOLOTTA AND K. WARD, SEPTEMBER 3, 2019

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, APRIL 6, 2020

AN ACT

1 Amending ~~Title~~ TITLES 35 (Health and Safety) AND 42 (JUDICIARY <--
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated
3 Statutes, providing for the Health Care Cost Containment
4 Council, for its powers and duties, for health care cost
5 containment through the collection and dissemination of data,
6 for public accountability of health care costs and for health
7 care for the indigent-; PROVIDING FOR COVID-19 DISASTER <--
8 EMERGENCY; IN LOCAL ORGANIZATIONS AND SERVICES, FURTHER
9 PROVIDING FOR GENERAL AUTHORITY OF POLITICAL SUBDIVISIONS;
10 AND, IN UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, FURTHER
11 PROVIDING FOR HEADING OF CHAPTER, FOR SHORT TITLE OF CHAPTER,
12 FOR DEFINITIONS, FOR APPLICABILITY AND FOR FORM OF UNSWORN
13 DECLARATION.

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

16 Section 1. Title 35 of the Pennsylvania Consolidated
17 Statutes is amended by adding a part to read:

PART II

REGULATED ENTITIES

20 Chapter

21 33. Health Care Cost Containment

22 CHAPTER 33

1 The council shall provide an annual report of its financial
2 expenditures to the Appropriations Committee and Health and
3 Human Services Committee of the Senate and the Appropriations
4 Committee, the Health Committee and the Human Services Committee
5 of the House of Representatives.

6 § 3316. Severability.

7 The provisions of this chapter are severable. If a provision
8 of this chapter or the provision's application to a person or
9 circumstance is held invalid, the invalidity shall not affect
10 other provisions or applications of this chapter which can be
11 given effect without the invalid provision or application.

12 § 3317. EXPIRATION.

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13 THIS CHAPTER SHALL EXPIRE 10 YEARS AFTER THE EFFECTIVE DATE
14 OF THIS SECTION.

15 SECTION 1.1. TITLE 35 IS AMENDED BY ADDING A CHAPTER TO
16 READ:

17 CHAPTER 57

18 COVID-19 DISASTER EMERGENCY

19 SUBCHAPTER

20 A. PRELIMINARY PROVISIONS

21 B. PROPERTY TAX

22 C. EDUCATIONAL TAX CREDIT

23 C.1. SCHOOL CONTRACTORS

24 D. NOTARIAL ACTS

25 E. LOCAL GOVERNMENT MEETINGS

26 SUBCHAPTER A

27 PRELIMINARY PROVISIONS

28 SEC.

29 5701. DEFINITIONS.

30 § 5701. DEFINITIONS.

1 PERSONNEL AND FIXED COSTS, INCLUDING ADMINISTRATIVE AND
2 EQUIPMENT, ARE MAINTAINED DURING THE PERIOD OF SCHOOL CLOSURE.
3 DURING THE PERIOD OF SCHOOL CLOSURE, THE CONTRACT SERVICE
4 PROVIDERS SHALL SUBMIT WEEKLY DOCUMENTATION TO THE SCHOOL ENTITY
5 THAT ITS COMPLEMENT LEVELS REMAIN AT OR ABOVE THE LEVEL ON MARCH
6 13, 2020, IN ORDER TO CONTINUE BEING PAID.

7 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "SCHOOL
8 ENTITY" SHALL HAVE THE SAME MEANING AS IN SECTION 1501.8(N) OF
9 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
10 SCHOOL CODE OF 1949.

11 SUBCHAPTER D

12 NOTARIAL ACTS

13 SEC.

14 5731. REMOTELY LOCATED INDIVIDUAL.

15 § 5731. REMOTELY LOCATED INDIVIDUAL.

16 (A) AUTHORIZATION.--

17 (1) UPON THE EFFECTIVE DATE OF THIS SECTION, THE
18 DEPARTMENT OF STATE SHALL IMMEDIATELY AUTHORIZE A NOTARY
19 PUBLIC TO CONDUCT NOTARIAL ACTS IN THE MANNER AUTHORIZED BY
20 THIS SECTION, IF THE NOTARY GIVES NOTICE TO THE DEPARTMENT AS
21 REQUIRED UNDER SUBSECTION (G) (1) AND USES A COMMUNICATION AND
22 IDENTITY PROOFING TECHNOLOGY DESIGNATED IN THE DEPARTMENT'S
23 MARCH 25, 2020, NOTICE OF THE LIMITED SUSPENSION OF THE
24 REQUIREMENTS OF 57 PA.C.S. § 306 (RELATING TO PERSONAL
25 APPEARANCE REQUIRED), OR THAT IS DESIGNATED IN A LIST OF
26 ADDITIONAL ACCEPTABLE TECHNOLOGIES SUBSEQUENTLY ADOPTED BY
27 THE DEPARTMENT.

28 (2) A NOTARY PUBLIC MAY USE ANY OTHER TECHNOLOGY WITHIN
29 30 DAYS OF GIVING NOTICE AS REQUIRED BY SUBSECTION (G) (1),
30 UNLESS THE DEPARTMENT FOR GOOD CAUSE PROHIBITS THE USE OF THE

1 TECHNOLOGY FOR FAILURE TO SATISFY THE REQUIREMENTS OF THIS
2 SECTION OR DETERMINES THAT USE OF THE TECHNOLOGY SHOULD BE
3 DELAYED PENDING AN EVALUATION OF THE TECHNOLOGY.

4 (3) THIS SECTION SHALL EXPIRE 60 DAYS AFTER TERMINATION
5 OR EXPIRATION OF THE COVID-19 DISASTER EMERGENCY UNDER
6 SECTION 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR).

7 (B) GENERAL RULE.--A REMOTELY LOCATED INDIVIDUAL MAY COMPLY
8 WITH 57 PA.C.S. § 306 BY APPEARING BEFORE A NOTARY PUBLIC BY
9 MEANS OF COMMUNICATION TECHNOLOGY.

10 (C) USE OF COMMUNICATION TECHNOLOGY.--A NOTARY PUBLIC
11 LOCATED IN THIS COMMONWEALTH MAY PERFORM A NOTARIAL ACT
12 FACILITATED BY COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED
13 INDIVIDUAL IF ALL OF THE FOLLOWING APPLY:

14 (1) THE NOTARY PUBLIC:

15 (I) HAS PERSONAL KNOWLEDGE UNDER 57 PA.C.S. §
16 307(A) (RELATING TO IDENTIFICATION OF INDIVIDUAL) OF THE
17 IDENTITY OF THE INDIVIDUAL;

18 (II) HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF
19 THE REMOTELY LOCATED INDIVIDUAL BY OATH OR AFFIRMATION
20 FROM A CREDIBLE WITNESS APPEARING BEFORE THE NOTARY
21 PUBLIC UNDER 57 PA.C.S. § 307(B) OR UNDER THIS SECTION;

22 OR

23 (III) IS ABLE TO REASONABLY IDENTIFY THE INDIVIDUAL
24 BY AT LEAST TWO DIFFERENT TYPES OF IDENTITY PROOFING
25 PROCESSES OR SERVICES.

26 (2) THE NOTARY PUBLIC IS ABLE TO REASONABLY IDENTIFY A
27 RECORD BEFORE THE NOTARY PUBLIC AS THE SAME RECORD:

28 (I) IN WHICH THE REMOTELY LOCATED INDIVIDUAL MADE
29 THE STATEMENT; OR

30 (II) ON WHICH THE REMOTELY LOCATED INDIVIDUAL

1 EXECUTED THE SIGNATURE.

2 (3) THE NOTARY PUBLIC, OR A PERSON ACTING ON BEHALF OF
3 THE NOTARY PUBLIC, CREATES AN AUDIO-VISUAL RECORDING OF THE
4 PERFORMANCE OF THE NOTARIAL ACT, INCLUDING ALL INTERACTIONS
5 BETWEEN THE NOTARY PUBLIC AND THE REMOTELY LOCATED
6 INDIVIDUAL.

7 (4) IF THE REMOTELY LOCATED INDIVIDUAL IS LOCATED
8 OUTSIDE THE UNITED STATES, ALL OF THE FOLLOWING APPLY:

9 (I) THE RECORD:

10 (A) IS TO BE FILED WITH OR RELATES TO A MATTER
11 BEFORE A COURT, GOVERNMENTAL ENTITY, PUBLIC OFFICIAL
12 OR OTHER ENTITY UNDER THE JURISDICTION OF THE UNITED
13 STATES; OR

14 (B) INVOLVES:

15 (I) PROPERTY LOCATED IN THE TERRITORIAL
16 JURISDICTION OF THE UNITED STATES; OR

17 (II) A TRANSACTION SUBSTANTIALLY CONNECTED
18 WITH THE UNITED STATES.

19 (II) THE ACT OF MAKING THE STATEMENT OR SIGNING THE
20 RECORD IS NOT PROHIBITED BY THE FOREIGN STATE WHERE THE
21 REMOTELY LOCATED INDIVIDUAL IS LOCATED.

22 (D) NOTARIAL CERTIFICATE.--IF A NOTARIAL ACT IS SUBJECT TO
23 THIS SECTION, THE CERTIFICATE OF NOTARIAL ACT REQUIRED BY 57
24 PA.C.S. § 315 (RELATING TO CERTIFICATE OF NOTARIAL ACT) AND THE
25 SHORT FORM CERTIFICATE UNDER 57 PA.C.S. § 316 (RELATING TO SHORT
26 FORM CERTIFICATES) MUST INDICATE THAT THE NOTARIAL ACT WAS
27 PERFORMED BY MEANS OF COMMUNICATION TECHNOLOGY.

28 (E) SUFFICIENCY.--A SHORT FORM CERTIFICATE UNDER 57 PA.C.S.
29 § 316 FOR A NOTARIAL ACT SUBJECT TO THIS SECTION IS SUFFICIENT
30 IF THE SHORT FORM CERTIFICATE IS IN THE FORM PROVIDED BY 57

1 PA.C.S. § 316 AND CONTAINS A STATEMENT SUBSTANTIALLY AS FOLLOWS:

2 "THIS NOTARIAL ACT INVOLVED THE USE OF COMMUNICATION
3 TECHNOLOGY."

4 (F) AUDIO-VISUAL RECORDING.--

5 (1) THIS SUBSECTION APPLIES TO:

6 (I) A NOTARY PUBLIC;

7 (II) A GUARDIAN, A CONSERVATOR OR AN AGENT OF A
8 NOTARY PUBLIC; OR

9 (III) A PERSONAL REPRESENTATIVE OF A DECEASED NOTARY
10 PUBLIC.

11 (2) A PERSON UNDER PARAGRAPH (1) SHALL RETAIN THE AUDIO-
12 VISUAL RECORDING CREATED UNDER SUBSECTION (C) (3) OR CAUSE THE
13 RECORDING TO BE RETAINED BY A REPOSITORY DESIGNATED BY OR ON
14 BEHALF OF THE NOTARY PUBLIC. THE PERSON SHALL RETAIN THE
15 RECORDING FOR AT LEAST 10 YEARS AFTER THE RECORDING IS
16 CREATED.

17 (G) NOTIFICATION.--

18 (1) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S
19 INITIAL NOTARIAL ACT UNDER THIS SECTION, THE NOTARY PUBLIC
20 MUST NOTIFY THE DEPARTMENT THAT THE NOTARY PUBLIC WILL BE
21 PERFORMING NOTARIAL ACTS FACILITATED BY COMMUNICATION
22 TECHNOLOGY AND IDENTIFY THE TECHNOLOGY.

23 (2) IF THE DEPARTMENT HAS ESTABLISHED STANDARDS FOR
24 APPROVAL OF COMMUNICATION TECHNOLOGY OR IDENTITY PROOFING
25 UNDER 57 PA.C.S. § 327 (RELATING TO REGULATIONS), THE
26 COMMUNICATION TECHNOLOGY AND IDENTITY PROOFING MUST CONFORM
27 TO THE STANDARDS.

28 (H) (RESERVED).

29 (I) PROMOTION OF UNIFORMITY.--BEFORE PROMULGATING, AMENDING
30 OR REPEALING REGULATIONS ABOUT THE PERFORMANCE OF A NOTARIAL ACT

1 WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL, THE DEPARTMENT
2 SHALL CONSIDER, IF CONSISTENT WITH THIS SUBCHAPTER, ALL OF THE
3 FOLLOWING:

4 (1) THE MOST RECENT STANDARDS REGARDING THE PERFORMANCE
5 OF A NOTARIAL ACT WITH RESPECT TO REMOTELY LOCATED
6 INDIVIDUALS PROMULGATED BY A NATIONAL STANDARD-SETTING
7 ORGANIZATION. THIS PARAGRAPH INCLUDES THE NATIONAL
8 ASSOCIATION OF SECRETARIES OF STATE.

9 (2) STANDARDS, PRACTICES AND CUSTOMS OF OTHER
10 JURISDICTIONS THAT ENACT A STATUTORY PROVISION SUBSTANTIALLY
11 SIMILAR TO THIS SECTION.

12 (3) THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND
13 OTHER INTERESTED PERSONS.

14 (J) CERTIFICATION OF TANGIBLE COPIES.--

15 (1) NOTWITHSTANDING 57 PA.C.S. § 304 (RELATING TO
16 AUTHORITY TO PERFORM NOTARIAL ACT), A NOTARIAL OFFICER MAY
17 CERTIFY THAT A TANGIBLE COPY OF AN ELECTRONIC RECORD IS A
18 TRUE AND CORRECT COPY OF THE ELECTRONIC RECORD.

19 (2) NOTWITHSTANDING 57 PA.C.S. § 320 (RELATING TO
20 NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON
21 ELECTRONIC RECORD; SELECTION OF TECHNOLOGY), A RECORDER OF
22 DEEDS MAY ACCEPT FOR RECORDING A TANGIBLE COPY OF AN
23 ELECTRONIC RECORD CONTAINING A NOTARIAL CERTIFICATE AS
24 SATISFYING ANY REQUIREMENTS THAT THE RECORD BE AN ORIGINAL,
25 IF THE NOTARIAL OFFICER EXECUTING THE NOTARIAL CERTIFICATE
26 CERTIFIES THAT THE TANGIBLE COPY IS A TRUE AND CORRECT COPY
27 OF THE ELECTRONIC RECORD.

28 (K) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
30 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

1 "COMMUNICATION TECHNOLOGY." AN ELECTRONIC DEVICE OR PROCESS
2 THAT:
3 (1) ALLOWS A NOTARY PUBLIC LOCATED IN THIS COMMONWEALTH
4 AND A REMOTELY LOCATED INDIVIDUAL TO COMMUNICATE WITH EACH
5 OTHER SIMULTANEOUSLY BY SIGHT AND SOUND; AND
6 (2) MAKES REASONABLE ACCOMMODATIONS FOR AN INDIVIDUAL
7 WITH A VISION, HEARING OR SPEECH IMPAIRMENT IN ACCORDANCE
8 WITH LAW.
9 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.
10 "FOREIGN STATE." A JURISDICTION OTHER THAN THE UNITED
11 STATES, A STATE OR A FEDERALLY RECOGNIZED INDIAN TRIBE.
12 "IDENTITY PROOFING." A PROCESS OR SERVICE BY WHICH A THIRD
13 PERSON PROVIDES A NOTARY PUBLIC WITH A MEANS TO VERIFY THE
14 IDENTITY OF A REMOTELY LOCATED INDIVIDUAL BY A REVIEW OF
15 PERSONAL INFORMATION FROM PUBLIC OR PRIVATE DATA SOURCES.
16 "OUTSIDE THE UNITED STATES." A LOCATION OUTSIDE THE
17 GEOGRAPHIC BOUNDARIES OF:
18 (1) THE UNITED STATES;
19 (2) PUERTO RICO;
20 (3) THE VIRGIN ISLANDS; AND
21 (4) ANY TERRITORY, INSULAR POSSESSION OR OTHER LOCATION
22 SUBJECT TO THE JURISDICTION OF THE UNITED STATES.
23 "REMOTELY LOCATED INDIVIDUAL." AN INDIVIDUAL WHO IS NOT IN
24 THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC PERFORMING A NOTARIAL
25 ACT UNDER SUBSECTION (C).
26 SUBCHAPTER E
27 LOCAL GOVERNMENT MEETINGS
28 SEC.
29 5741. RESPONSE TO COVID-19 DISASTER EMERGENCY.
30 § 5741. RESPONSE TO COVID-19 DISASTER EMERGENCY.

1 (CITY] COUNTY OR OTHER LOCATION, AND STATE).....
2
3 (COUNTRY).....
4 (PRINTED NAME).....
5 (SIGNATURE).....

6 Section 2. The following apply:

7 (1) Actions taken by the Health Care Cost Containment
8 Council from the period from June 30, 2014, to the effective
9 date of this section are validated.

10 (2) New positions on the Health Care Cost Containment
11 Council created under 35 Pa.C.S. Ch. 33 shall be filled in
12 the manner designated under 35 Pa.C.S. § 3303(b) no later
13 than 60 days after the effective date of this section.
14 Organizations required under 35 Pa.C.S. § 3303(b) to submit
15 lists of recommended persons to fill new positions on the
16 council shall do so no later than 30 days after the effective
17 date of this section.

18 (3) There shall be no lapse in the employment
19 relationship for employees of the Health Care Cost
20 Containment Council, including salary, seniority, benefits
21 and retirement eligibility of the employees.

22 Section 3. This act shall take effect immediately.