

Sen. Street's guidance on 2021 Primary Election Proposed Constitutional Amendments

This May, Pennsylvania voters will vote on three proposed constitutional amendments. The so called “judicial gerrymandering” amendment is not one of them.

These amendments should be presented in a “good governance” and non-partisan manner.

PROPOSED CONSTITUTIONAL AMENDMENT – ARTICLE III, SECTION 9 RELATING TO TERMINATION OR EXTENSION OF DISASTER EMERGENCY DECLARATIONS

Ballot Question: *“Shall the Pennsylvania Constitution be amended to change existing law and increase the power of the General Assembly to unilaterally terminate or extend a disaster emergency declaration—and the powers of Commonwealth agencies to address the disaster regardless of its severity pursuant to that declaration—through passing a concurrent resolution by simple majority, thereby removing the existing check and balance of presenting a resolution to the Governor for approval or disapproval?”*

Recommended position: NO

Topline Talking Points:

- This will severely limit the Governor — and any future governor — of the ability to keep our Commonwealth safe from disasters.
- When disasters strike and lives are at stake, we do not have time to wait for 253 politicians in Harrisburg to have a political debate. We need the Governor to act quickly and decisively.
- This amendment may undo all the progress made on mitigating the spread of COVID-19 or any other future crisis.
- It may also leave PA as the only state in the country without an emergency plan in place for COVID-19.
- Disasters are NOT political, and should NOT be subject to a political process.

PROPOSED CONSTITUTIONAL AMENDMENT – ARTICLE IV DISASTER EMERGENCY DECLARATION AND MANAGEMENT

Ballot Question: *“Shall the Pennsylvania Constitution be amended to change existing law so that: a disaster emergency declaration will expire automatically after 21 days, regardless of the severity of the emergency, unless the General Assembly takes action to extend the disaster emergency; the Governor may not declare a new disaster emergency to respond to the dangers facing the Commonwealth unless the General Assembly passes a concurrent resolution; the General Assembly enacts new laws for disaster management?”*

Recommended position: NO

Topline Talking Points:

- This strips the Governor — and any future governor — of the ability to keep our Commonwealth safe from disasters.
- Disasters do not have a time limit. It is impossible to predict how or how long the impacts of a disaster will affect any one community.
- This again subjects disaster emergency declarations to the political winds. We are all Pennsylvanians and when any Pennsylvania community is hit with a disaster, all of us share their pain.

- This amendment may undo all the progress made on mitigating the spread of COVID-19 or any other future crisis.

**PROPOSED CONSTITUTIONAL AMENDMENT – ARTICLE I
PROHIBITION AGAINST DENIAL OR ABRIDGEMENT OF EQUALITY OF RIGHTS BECAUSE
OF RACE OR ETHNICITY**

Ballot Question: *Shall the Pennsylvania Constitution be amended by adding a new section providing that equality of rights under the law shall not be denied or abridged because of an individual’s race or ethnicity?*

Recommended position: YES

Topline TP’s:

- This amendment creates a constitutional prohibition against restricting or denying an individual’s equal rights under Pennsylvania law because of race or ethnicity.
- This amendment applies to all Pennsylvania state, county and local governmental entities, and guarantees equality of rights under the law.
- If approved, the General Assembly may pass new laws to implement the amendment, but it may not pass a law inconsistent with it.

More detailed information on the first two ballot questions below.

Emergency Impact:

Disasters have phases: communities must recover once the initial response has ended – having to seek the GA’s consent to continue a disaster will interfere with and potentially impede the recovery phase. If a disaster emergency declaration ends, so do all the authorities that come with it (either granted by the GA per above bullet or as enumerated in existing law): For example,

- emergency procurements
- implementation of emergency funding measures
- deployment of Commonwealth personnel and resources
- activation of the Pennsylvania National Guard
- waivers of laws and
- regulations to deal with the disaster, etc.

Fiscal Impact

- If the Commonwealth ends its disaster emergency, the federal government may close the “incident period” of a major disaster declaration, which could affect federal disaster funding.
- Federal funding for state costs may not be recovered past the dates of the incident period.
- The language indicates that the Governor may not declare a new disaster emergency based on the same or similar facts without a concurrent resolution of the General Assembly, which could be a lengthy process. Weather disasters often have the same or similar facts.
- The Commonwealth was awarded a federal disaster declaration to reimburse costs related to emergency protective measures.
 - Eligible applicants in the Commonwealth have submitted approximately \$450 million in unbudgeted disaster related costs for reimbursement to date through the FEMA public assistance disaster declaration program.

- The Lost Wages Unemployment Supplemental \$300 weekly benefit is authorized under the FEMA individual assistance program declaration for \$1.5 billion.
 - The potential total loss to the Commonwealth is approximately 1.9 billion.
- The Commonwealth risks losing an additional \$22 million in additional federal funding for hazard mitigation. Hazard mitigation is funding dedicated solely to projects that will reduce or alleviate future disaster related risks based on the Commonwealth's all hazard plans (which includes pandemic related planning efforts to mitigate effects of a pandemic outbreak).