AMENDMENTS TO SENATE BILL NO. 613
Sponsor: REPRESENTATIVE SAYLOR

Amend Bill, page 1, line 23, by striking out "providing for"
and inserting
reenacting provisions relating to
Amend Bill, page 1, line 25, by inserting after "information"
; and providing for COVID-19 emergency mitigation plan for
businesses
Amend Bill, page 4, lines 13 through 30; pages 5 and 6, lines
1 through 30; page 7, lines 1 through 11; by striking out all of
said lines on said pages and inserting

Section 2. Section 226 of the act, added June 28, 2019
(P.L.101, No.15), is reenacted to read:
Section 226. Criminal History Background Checks of Employes
and Contractors with Access to Federal Tax Information.--(a) An
agency shall require any current or prospective employe or
contractor whose duties and responsibilities require, or will
require, access to Federal tax information to submit to a
criminal history background check to be conducted by the
Pennsylvania State Police. A current or prospective employe or
contractor shall submit fingerprints and other identifying
information to the Pennsylvania State Police. An individual who
refuses to comply with this subsection will not be considered
suitable to access Federal tax information for purposes of
subsection (c).
(b) When a criminal history background check is requested
under subsection (a), the Pennsylvania State Police, or its
designee, shall do all of the following:
(1) Provide the agency with a report of the individual's
criminal history record information as defined by 18 Pa.C.S. §
9102 (relating to definitions) or a statement that the
Pennsylvania State Police central repository contains no
information relating to the individual. The criminal history
record information shall be limited to that which is
disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general
regulations).
(2) Submit the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history records check.

(3) Provide the agency with the national criminal history record information of the individual. The information provided under this subsection may not be limited by 18 Pa.C.S. § 9121(b)(2).

(c) Information relating to a current or prospective employee or contractor submitted to or obtained by an agency under this section shall be interpreted and used only to determine the individual's character, fitness and suitability to access Federal tax information. If an agency determines an individual is not suitable to access Federal tax information, the agency shall take appropriate action, including:

(1) declining to hire or utilize the services of the individual;
(2) transferring the individual to a position that does not require access to Federal tax information; or
(3) terminating the individual's employment.

(d) An agency may receive and retain information consistent with this section that is otherwise protected under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), subject to any requirements related to redaction as specified in 18 Pa.C.S. § 9121(b)(2) with respect to information described in subsection (b)(1). All information received and retained by an agency in accordance with this section shall be marked as confidential and shall be excluded from any requirement of public disclosure as a public record.

(e) An individual who has been determined suitable to access criminal tax information under this section shall resubmit to a criminal history background check under subsections (a) and (b) within ten years of the individual's last check under this section, unless the agency participates in a program exempting employees from clearance.

(f) An agency receiving Federal tax information that transfers the Federal tax information to any other entity except as it involves a Federal or State court or the Board of Finance and Revenue as part of a legal proceeding before the same may audit that entity to determine compliance with this section.

(g) The Department of Revenue may publish guidelines to implement this section.

(h) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." A Commonwealth agency, office, department, authority, board or commission of the executive branch or a political subdivision receiving Federal tax information, even though the Federal tax information may be forwarded to the agency from or through any of the following:

(1) The Internal Revenue Service.
(2) The Social Security Administration.

By exchange agreement approved by the Internal Revenue Service.

Any other secondary source.

"Contractor." An individual who is not an employee of an agency and performs work functions for an agency under the terms of a written agreement, regardless of whether the written agreement is directly with the agency or a third party.

"Federal tax information." Includes any "return" or "return information" as defined in section 6103 of the Internal Revenue Code of 1986.

Section 3. The act is amended by adding an article to read:

ARTICLE XXI-C

COVID-19 EMERGENCY MITIGATION PLAN FOR BUSINESSES

Section 2101-C. COVID-19 emergency mitigation plan for businesses.

(a) General rule.—Notwithstanding 35 Pa.C.S. Part V (relating to emergency management services), the Governor shall develop and implement a plan to mitigate the spread of COVID-19 for businesses in this Commonwealth pursuant to subsection (b). The plan shall be published on the Department of Community and Economic Development's publicly accessible Internet website within seven days of the effective date of this section.

(b) Mitigation plan for business and industry.—The plan under subsection (a) shall be developed using recommended guidance for mitigating exposure to COVID-19 from the Centers for Disease Control and Prevention and shall conform to the March 28, 2020, Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, as published by the United States Cybersecurity and Infrastructure Security Agency (CISA).

(c) Compliance.—A business that complies with the requirements of the mitigation plan developed under subsection (b) may operate in this Commonwealth.

(d) Definitions.—The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Business." Any business, industry or trade operating with a physical location in this Commonwealth, regardless of whether that physical location is open to the public.

"COVID-19." The novel corona virus, otherwise known as COVID-19.

Section 4. This act shall take effect as follows:

(1) The addition of Article XXI-C of the act shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.