

AMENDMENTS TO SENATE BILL NO. 613

Sponsor: REPRESENTATIVE SAYLOR

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1 Amend Bill, page 1, line 23, by striking out "providing for"
2 and inserting

3 reenacting provisions relating to

4 Amend Bill, page 1, line 25, by inserting after "information"
5 ; and providing for COVID-19 emergency mitigation plan for
6 businesses

7 Amend Bill, page 4, lines 13 through 30; pages 5 and 6, lines
8 1 through 30; page 7, lines 1 through 11; by striking out all of
9 said lines on said pages and inserting

10 Section 2. Section 226 of the act, added June 28, 2019
11 (P.L.101, No.15), is reenacted to read:

12 Section 226. Criminal History Background Checks of Employees
13 and Contractors with Access to Federal Tax Information.--(a) An
14 agency shall require any current or prospective employe or
15 contractor whose duties and responsibilities require, or will
16 require, access to Federal tax information to submit to a
17 criminal history background check to be conducted by the
18 Pennsylvania State Police. A current or prospective employe or
19 contractor shall submit fingerprints and other identifying
20 information to the Pennsylvania State Police. An individual who
21 refuses to comply with this subsection will not be considered
22 suitable to access Federal tax information for purposes of
23 subsection (c).

24 (b) When a criminal history background check is requested
25 under subsection (a), the Pennsylvania State Police, or its
26 designee, shall do all of the following:

27 (1) Provide the agency with a report of the individual's
28 criminal history record information as defined by 18 Pa.C.S. §
29 9102 (relating to definitions) or a statement that the
30 Pennsylvania State Police central repository contains no
31 information relating to the individual. The criminal history
32 record information shall be limited to that which is
33 disseminated under 18 Pa.C.S. § 9121(b) (2) (relating to general
34 regulations).

1 (2) Submit the individual's fingerprints to the Federal
2 Bureau of Investigation for a national criminal history records
3 check.

4 (3) Provide the agency with the national criminal history
5 record information of the individual. The information provided
6 under this subsection may not be limited by 18 Pa.C.S. § 9121(b)
7 (2).

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

15 (1) declining to hire or utilize the services of the
16 individual;

17 (2) transferring the individual to a position that does not
18 require access to Federal tax information; or

19 (3) terminating the individual's employment.

20 (d) An agency may receive and retain information consistent
21 with this section that is otherwise protected under 18 Pa.C.S.
22 Ch. 91 (relating to criminal history record information),
23 subject to any requirements related to redaction as specified in
24 18 Pa.C.S. § 9121(b)(2) with respect to information described in
25 subsection (b)(1). All information received and retained by an
26 agency in accordance with this section shall be marked as
27 confidential and shall be excluded from any requirement of
28 public disclosure as a public record.

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

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

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

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

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

50 (1) The Internal Revenue Service.

51 (2) The Social Security Administration.

1 (3) A permitted disclosure under section 6103 of the
2 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
3 6103).

4 (4) By exchange agreement approved by the Internal Revenue
5 Service.

6 (5) Any other secondary source.

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

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

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

15 ARTICLE XXI-C

16 COVID-19 EMERGENCY MITIGATION PLAN FOR BUSINESSES

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

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

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

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

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

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

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

45 Section 4. This act shall take effect as follows:

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

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