AMENDMENTS TO SENATE BILL NO. 109

Sponsor: REPRESENTATIVE SAYLOR

Printer's No. 102

1     Amend Bill, page 2, line 1, by inserting after

2  "Commonwealth,"""

3   in emergency finance and tax provisions, further providing for
4     declaration of policy and providing for nontaxability of
5     certain income;

6     Amend Bill, page 2, lines 6 and 7, by striking out "AREA

7  CAREER AND TECHNICAL SCHOOLS, INTERMEDIATE UNITS AND OTHER"

8     Amend Bill, page 6, lines 6 and 7, by striking out all of

9  said lines and inserting

10     Section 1.  Section 101-A of the act of April 9, 1929
11  (P.L.343, No.176), known as The Fiscal Code, added March 27,
12  2020 (P.L.30, No.10), is amended to read:
13  Section 101-A.  Declaration of policy.
14     The General Assembly finds and declares as follows:
15         (1)  There are circumstances under which it is impossible
16     to effectively comply with law relating to State finance or
17     State tax.
18         (2)  When circumstances under paragraph (1) arise, it is
19     necessary for Commonwealth agencies to exercise [temporary]
20     powers and duties set forth in this article.
21     Section 1.1.  The act is amended by adding sections to read:
22  Section 104-A.  Nontaxability of certain income.
23     (a)  Forgiveness of Paycheck Protection Loans.--
24         (1)  For the purposes of computing the tax under Article
25     III of the act of March 4, 1971 (P.L.6, No.2), known as the
26     Tax Reform Code of 1971, the classes of income under section
27     303 of the Tax Reform Code of 1971 shall not include any
28     amount which is excluded from Federal gross income under
29     sections 276 and 278(a) of the COVID-related Tax Relief Act
30     of 2020, enacted as Subtitle B of Title II of Division N of
31     the Consolidated Appropriations Act, 2021 (Public Law 116-
32     260, 134 Stat. 1182).
33         (2)  For the purposes of Article III of the Tax Reform
34     Code of 1971, no deduction may be disallowed for an expense

1    that is otherwise deductible if the payment of the expense
2    results in forgiveness of a covered loan under paragraph (1).
3    (b)  Payment received by individuals.--For the purposes of
4  computing the tax under Article III of the Tax Reform Code of
5  1971, the classes of income under section 303 of the Tax Reform
6  Code of 1971 shall not include a payment received by an
7  individual from the United States under section 2201 through the
8  Coronavirus Aid, Relief, and Economic Security Act (Public Law
9  116-136, 134 Stat. 281) or sections 272 and 273 of the COVID-
10 related Tax Relief Act of 2020, enacted as Subtitle B of Title
11 II of Division N of the Consolidated Appropriations Act, 2021
12 (Public Law 116-260, 134 Stat. 1182).

13    Amend Bill, page 7, line 5, by inserting after "CEDO"

14     or CDFI

15    Amend Bill, page 8, line 8, by inserting after "DEMONSTRATE"

16      a reduction in revenue which meets

17    Amend Bill, page 8, line 9, by striking out "REVENUE" and

18 inserting

19       gross receipts

20    Amend Bill, page 8, line 17, by striking out "REVENUE" and

21 inserting

22       gross receipts

23    Amend Bill, page 8, line 25, by inserting after "CEDO"

24      or CDFI

25    Amend Bill, page 8, line 28, by inserting after "CEDO"

26      or CDFI

27    Amend Bill, page 8, line 28, by inserting after "RECEIVE"

28      and consider

29    Amend Bill, page 9, line 1, by inserting after "CEDO"

30      or CDFI

31    Amend Bill, page 9, line 4, by inserting after "CEDO"

32      or CDFI

33    Amend Bill, page 9, line 6, by striking out "A GRANT" and

34 inserting

35      an application

36    Amend Bill, page 9, line 7, by striking out "SHALL CONTRACT"

1  and inserting

2          or CDFI shall enter into a grant agreement

3     Amend Bill, page 9, lines 7 and 8, by striking out "THROUGH

4  ELECTRONIC MEANS"

5     Amend Bill, page 9, line 9, by striking out "CONTRACT" and

6  inserting

7          grant agreement

8     Amend Bill, page 9, line 13, by striking out "CONTRACT" and

9  inserting

10         grant agreement

11    Amend Bill, page 9, line 13, by striking out "MUST" and

12  inserting

13         may

14    Amend Bill, page 9, line 14, by inserting after "CEDO"

15         or CDFI

16    Amend Bill, page 10, line 18, by inserting after "CEDO"

17         or CDFI

18    Amend Bill, page 10, line 21, by striking out "CONTRACT" and

19  inserting

20         grant agreement

21    Amend Bill, page 10, line 26, by inserting after "CEDO"

22         or CDFI

23    Amend Bill, page 10, line 29, by inserting after "CEDO"

24         or CDFI

25    Amend Bill, page 10, line 29, by striking out "$750" and

26  inserting

27         $500

28    Amend Bill, page 10, line 30, by inserting after "COMPLETED"

29         and reviewed

30    Amend Bill, page 10, line 30; page 11, line 1; by striking

1  out "<u>AND, IN ADDITION, UP TO 1% OF THE</u>" in line 30 on page 10

2  and "<u>AMOUNT OF A GRANT AWARD</u>" in line 1 on page 11

3    Amend Bill, page 11, line 3, by inserting after "<u>CEDO</u>"

4      <u> or CDFI</u>

5    Amend Bill, page 11, line 16, by inserting after "<u>CEDO</u>"

6        <u> or CDFI</u>

7    Amend Bill, page 11, line 27, by inserting after "<u>A</u>"

8      <u> county awarding grants and a</u>

9    Amend Bill, page 11, line 27, by inserting after "<u>CEDO</u>"

10     <u> or CDFI</u>

11   Amend Bill, page 11, line 29, by inserting after "<u>GENERAL</u>"

12     <u> or the department</u>

13   Amend Bill, page 11, by inserting after line 30

14   <u>    (14)  The department is prohibited from placing any</u>
15   <u>additional stipulations on counties that are in addition to</u>
16   <u>this section.</u>

17   Amend Bill, page 12, line 3, by striking out "<u>1</u>" and

18 inserting

19   <u> 15</u>

20   Amend Bill, page 12, lines 6 through 14, by striking out

21 "<u>REVIEW.--THIS SECTION SHALL NOT BE SUBJECT TO THE</u>" in line 6

22 and all of lines 7 through 14 and inserting

23     <u> (Reserved).</u>

24   Amend Bill, page 12, by inserting between lines 17 and 18

25   <u> "CDFI."  A community development financial institution that</u>
26 <u>is certified by the United States Department of Treasury, is</u>
27 <u>headquartered in this Commonwealth, is part of the 17-member</u>
28 <u>Pennsylvania CDFI network and primarily provides business loans</u>
29 <u>to low-to-moderate income individuals and business owners.</u>

30   Amend Bill, page 12, line 24, by striking out "<u>(P.L.116-260)</u>"

31 and inserting

32   <u> (Public Law 116-260)</u>

33   Amend Bill, page 14, line 25, by striking out "<u>500</u>" and

1  inserting

2          300

3     Amend Bill, page 14, line 27, by striking out "PARAGRAPH" and

4  inserting

5          subparagraph

6     Amend Bill, page 17, by inserting between lines 5 and 6

7      (3)  The Department of Education may not apply additional
8  eligibility criteria in addition to Federal law or Federal
9  guidance.

10    Amend Bill, page 17, line 6, by striking out "(3)" and

11 inserting

12      (4)

13    Amend Bill, page 17, line 18, by striking out "(4)" and

14 inserting

15      (5)

16    Amend Bill, page 18, line 1, by striking out "FEDERAL LAW"

17 and inserting

18      section 312 of Title III of Division M of the Consolidated
19 Appropriations Act, 2021

20    Amend Bill, page 18, lines 2 and 3, by striking out "AREA
21 CAREER AND" in line 2 and all of line 3

22    Amend Bill, page 18, line 8, by striking out "$17,500,000"

23 and inserting

24       $20,000,000

25    Amend Bill, page 18, line 15, by striking out "$17,500,000"

26 and inserting

27        $20,000,000

28    Amend Bill, page 18, lines 21 through 30; page 19, line 1; by

29 striking out all of said lines on said pages and inserting

30      (2)  (Reserved).

31    Amend Bill, page 19, line 2, by striking out "$7,075,000" and

1  inserting

2      $8,075,000

3  Amend Bill, page 19, line 3, by striking out "AND" and

4  inserting a comma

5  Amend Bill, page 19, line 4, by inserting after "BLIND"

6      and the private residential rehabilitative institutions

7  Amend Bill, page 19, line 6, by striking out "OR" and

8  inserting a comma

9  Amend Bill, page 19, line 7, by inserting after "BLIND"

10      or private residential rehabilitative institution

11  Amend Bill, page 19, line 8, by striking out "$7,075,000" and

12  inserting

13      $8,075,000

14  Amend Bill, page 19, line 11, by striking out "AND" and

15  inserting a comma

16  Amend Bill, page 19, line 12, by inserting after "BLIND"

17      and private residential rehabilitative institutions

18  Amend Bill, page 19, by inserting between lines 16 and 17

19      (5)  The amount of $14,000,000 shall be distributed to
20  the community colleges as follows:
21          (i)  Multiply the amount received by the community
22  college from the Community College Subsidy under section
23  1913-A of the act of March 10, 1949 (P.L.30, No.14),
24  known as the Public School Code of 1949, for fiscal year
25  2019-2020 by $14,000,000.
26          (ii)  Divide the product under subparagraph (i) by
27  the sum of the amounts received by community colleges
28  from the Community College Subsidy under section 1913-A
29  of the Public School Code of 1949 for fiscal year 2019-
30  2020.

31  Amend Bill, page 19, line 24, by striking out "AND" and

32  inserting a comma

33  Amend Bill, page 19, line 27, by striking out the period

34  after "BLIND" and inserting

1   and the number of students enrolled under section 914.1-A of
2  the Public School Code of 1949 for a private residential
3  rehabilitative institution.

4   Amend Bill, page 19, line 29, by striking out "FEDERAL LAW"

5  and inserting

6   section 312 of Title III of Division M of the Consolidated
7  Appropriations Act, 2021

8   Amend Bill, page 24, line 3, by striking out "(P.L.116-260)"

9  and inserting

10   (Public Law 116-260)

11   Amend Bill, page 25, line 2, by striking out "ASSOCIATED" and

12  inserting

13     To the extent permitted by Federal law, associated

14   Amend Bill, page 25, line 3, by striking out "10%" and

15  inserting

16     9.09%

17   Amend Bill, page 25, line 4, by striking out "2%" and

18  inserting

19     5%

20   Amend Bill, page 26, lines 23 through 30; page 27, lines 1

21  through 3; by striking out all of said lines on said pages and

22  inserting

23  (e)  Reduction of obligations.--The following shall apply:
24      (1)  Any payments received by the landlord or a utility
25  service provider from a payment made under this section shall
26  be used to reduce the amount of the tenant's obligation to
27  the landlord or utility service provider.
28      (2)  A landlord or utility service provider shall not be
29  required to waive any outstanding obligations for rent or
30  utility payments as a condition to participate in the
31  program.
32      (3)  Except as provided under paragraph (4), amounts
33  provided for rent, rental arrears, utilities and home energy
34  costs and utility and home energy costs arrears shall be made
35  to the lessor or utility on behalf of an applicant.
36      (4)  If a landlord or utility service provider refuses to
37  participate in the program, a payment received by an
38  individual must be forwarded to the landlord or utility

1     service provider to reduce the tenant's obligation.

2     Amend Bill, page 27, line 18, by inserting after "TO"

3      this article,

4     Amend Bill, page 27, line 27, by inserting after

5 "INFORMATION"

6      required by the department and as necessary for
7 compliance with the Consolidated Appropriations Act, 2021

8     Amend Bill, page 28, by inserting between lines 12 and 13

9     (7.1)  The department shall prepare a monthly
10 consolidated report with information from all counties
11 submitted under section 104-D(4) and shall submit the report
12 on a monthly basis to the chairperson and minority
13 chairperson of the Appropriations Committee of the Senate and
14 the chairperson and minority chairperson of the
15 Appropriations Committee of the House of Representatives. The
16 report shall also be posted and maintained on the
17 department's publicly accessible Internet website.

18     Amend Bill, page 29, line 2, by striking out "201-D(A)" and

19 inserting

20      102-D(a)

21     Amend Bill, page 29, by inserting between lines 2 and 3

22     (viii)  An itemization of all expenditures for
23 administrative costs.

24     Amend Bill, page 29, lines 22 through 24, by striking out all

25 of said lines and inserting

26     (4)  Submit monthly reports, which shall include
27 identified excess or insufficient funding and an itemization
28 of expenditures for administrative costs. The reports shall
29 be subject to audit as determined by the department.

30     Amend Bill, page 29, line 27, by striking out "AUGUST" and

31 inserting

32   July

33     Amend Bill, page 30, line 1, by striking out "SEPTEMBER" and

34 inserting

35    August

36     Amend Bill, page 30, line 5, by striking out "SEPTEMBER" and

1 inserting

2    August

3    Amend Bill, page 30, line 15, by striking out "AUGUST" and

4 inserting

5    July

6    Amend Bill, page 30, line 24, by inserting after "1726-M(E)"

7    which is not deposited under section 134-C(c)

8    Amend Bill, page 31, by inserting between lines 10 and 11

9    Section 5.1.  The following shall apply:
10       (1)  The addition of section 104-A(a) of the act shall
11    apply to the taxable year in which a loan under section 104-
12    A(a)(1) of the act was forgiven.
13       (2)  The addition of section 104-A(b) of the act shall
14    apply to a taxable year in which a payment under section 104-
15    A(b) of the act is received.

16    Amend Bill, page 31, line 12, by inserting after

17 "$145,000,000"

18       of amounts transferred under section 1726-M(e) of the
19    act

20    Amend Bill, page 31, line 18, by inserting after

21 "APPROPRIATED"

22       on a continuing basis

23    Amend Bill, page 31, line 20, by striking out "FOR THE 2020-

24 2021 FISCAL YEAR"

25    Amend Bill, page 31, line 30, by inserting after

26 "APPROPRIATED"

27       on a continuing basis

28    Amend Bill, page 31, line 30; page 32, line 1; by striking

29 out "FOR FISCAL" in line 30 on page 31 and "YEAR 2020-2021" in

30 line 1 on page 32

31    Amend Bill, page 32, lines 6 and 7, by striking out "THE

32 RENTAL AND UTILITY ASSISTANCE PROGRAM" and inserting

33       distribution under section 105-D(c) of the act