THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1822 Session of 2019

INTRODUCED BY M. K. KELLER, GALLOWAY, BERNSTINE, BOBACK, CIRESI, GAYDOS, GLEIM, JONES, JOZWIAK, KAUFER, LONGIETTI, MILLARD, PYLE, SAYLOR, ZABEL AND ZIMMERMAN, SEPTEMBER 17, 2019

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 20, 2020

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**Section 1.** The definition of "municipality" in section 1602-D of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended to read:

SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS AMENDED BY ADDING AN ARTICLE TO READ:

**ARTICLE I-B**

COVID-19 EFFECT ON EMPLOYMENT

**SECTION 101-B. SCOPE OF ARTICLE.**

THIS ARTICLE RELATES TO COVID-19 EFFECT ON EMPLOYMENT.

**SECTION 102-B. DEFINITIONS.**

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:


**SECTION 103-B. PROHIBITION.**

(A) GENERAL RULE.--AS A RESULT OF AN INDIVIDUAL'S COMPLIANCE WITH AN ORDER OF ISOLATION OR QUARANTINE OR WITH ANY OTHER CONTROL MEASURE RELATING TO COVID-19, THE INDIVIDUAL'S EMPLOYER MAY NOT TERMINATE, DEPRIVE, THREATEN OR OTHERWISE COERCe THE INDIVIDUAL WITH RESPECT TO THE EMPLOYMENT, A SENIORITY POSITION OR THE BENEFITS OF THE INDIVIDUAL.
(B) CONSTRUCTION.—NOTHING UNDER SUBSECTION (A) SHALL BE
CONSTRUED TO REQUIRE THE INDIVIDUAL'S EMPLOYER TO COMPENSATE THE
INDIVIDUAL FOR EMPLOYMENT TIME LOST BECAUSE OF ANY ISOLATION OR
QUARANTINE RELATING TO COVID-19.
SECTION 104-B. VIOLATIONS.

(A) PENALTY.—AN EMPLOYER VIOLATING THE PROVISIONS OF
SECTION 103-B SHALL BE SUBJECT TO THE PENALTY PROVISIONS UNDER
SECTION 20 OF THE ACT OF APRIL 23, 1956 (1955 P.L.1510, NO.500),
KNOWN AS THE DISEASE PREVENTION AND CONTROL LAW OF 1955.

(B) CIVIL ACTION.—IN ADDITION TO PENALTIES UNDER SECTION 20
OF THE DISEASE PREVENTION AND CONTROL LAW OF 1955 AND
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN EMPLOYER
VIOLATES SECTION 103-B, THE INDIVIDUAL MAY BRING A CIVIL ACTION
FOR RECOVERY OF WAGES AND BENEFITS LOST AS A RESULT OF THE
VIOLATION AND FOR AN ORDER REQUIRING THE REINSTATEMENT OF THE
INDIVIDUAL. DAMAGES RECOVERABLE MAY NOT EXCEED WAGES AND
BENEFITS ACTUALLY LOST. IF THE INDIVIDUAL PREVAILS, THE
INDIVIDUAL SHALL BE ALLOWED REASONABLE ATTORNEY FEES FIXED BY
THE COURT.

SECTION 2. THE DEFINITION OF "MUNICIPALITY" IN SECTION 1602-
D OF THE ACT IS AMENDED TO READ:

Section 1602-D. Definitions.—As used in this article—

"Municipality" shall mean any borough, town, first class
township, second class township, third class city or county,
provided that the term shall not include any boroughs, towns,
townships, cities or counties which have a population in excess
of [12,000] 15,000.

Section 2 3. Sections 1603-D(a) and (b) and 1605-D of the act are amended to read:
Section 1603-D. Assistance to Municipalities.--(a) The department is hereby authorized, upon application of a municipality, to make loans to the municipality for the following purposes and in the following amounts:

1. Purchasing equipment. The amount of a loan made for purchasing equipment shall not exceed fifty thousand dollars ($50,000) one hundred fifty thousand dollars ($150,000) for any single piece of equipment or fifty per centum of the total cost of the piece of equipment, whichever is less.

2. Purchasing, constructing, renovating or rehabilitating facilities. The amount of a loan made for purchasing, constructing, renovating or rehabilitating facilities shall not exceed one hundred thousand dollars ($100,000) two hundred and fifty thousand dollars ($250,000) for any single facility or fifty per centum of the total cost for purchasing, constructing, renovating or rehabilitating the facility, whichever is less.

(b) Loans made by the department for the purchase of equipment shall be for a period not to exceed the useful life of the equipment, and loans made for the purchase, construction, renovation or rehabilitation of facilities shall be for a period of not more than fifteen years. Loans shall be subject to the payment of interest at two per centum per annum and a rate set at the ten-year United States Treasury rate rounded to the closest quarter point, not to exceed two per centum per annum. Loan applications shall be subject to the interest rate in effect at the time a complete application is submitted to the department, which shall be the fixed rate for the full term of the loan. Loans shall be subject to such security as shall be determined by the department. The total amount of interest earned by the investment or reinvestment of all or any part of
the principal of any loan shall be returned to the department and transferred to the fund and shall not be credited as payment of principal or interest on the loan. The minimum amount of any loan shall be one thousand dollars ($1,000). The municipality shall comply with the approval requirements of 53 Pa.C.S. Ch. 80 Subch. C (relating to procedure for securing approval of electors).

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Section 1605-D. Powers and Duties of Department.--In addition to the powers and duties conferred upon the department under other provisions of law, the department shall have the power and duty to:

1. Lend money for the purposes authorized by this article over a term of years, but in no case in excess of [ten] fifteen years.

2. Accept grants from the Federal Government and any other individual, agency or government for use in the fund.

3. Prescribe the form of the application for a loan pursuant to this article.

4. Advise a municipality regarding the financial ability of the municipality to purchase equipment or to purchase, construct, renovate or rehabilitate facilities.

5. Assist a municipality in taking advantage of joint purchasing arrangements and of opportunities to purchase surplus equipment from the Commonwealth or other political subdivisions.

6. Require security for a loan, if determined to be necessary.

7. Specify priority of liens against any facilities or equipment purchased by a municipality using funds loaned pursuant to this article, if determined to be necessary.
8. Establish a schedule which provides at least an annual opportunity for municipalities to apply for and receive loans.

Section 3 4. This act shall take effect in 60 days.

SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1727-K. TEMPORARY RESTRICTIONS ON SPECIAL FUNDS.--

(A) NOTWITHSTANDING SECTION 1726-K, AFTER THE EFFECTIVE DATE OF
THIS SECTION, NO DEPARTMENT, COMMISSION, AGENCY, OFFICE OR
AUTHORITY OF THE GOVERNOR OR THE COMMONWEALTH SHALL ENTER INTO
ANY CONTRACT WHICH WOULD REQUIRE THE EXPENDITURE OF MONEY FROM
THE FOLLOWING SPECIAL FUNDS:

(1) AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND.
(2) BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY FUND.
(3) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND.
(4) CONSERVATION DISTRICT FUND.
(4) ENERGY DEVELOPMENT FUND.
(5) ENVIRONMENTAL EDUCATION FUND.
(6) ENVIRONMENTAL STEWARDSHIP FUND.
(7) HISTORICAL PRESERVATION FUND.
(8) INDUSTRIAL DEVELOPMENT FUND.
(9) JUSTICE REINVESTMENT FUND.
(10) KEYSTONE RECREATION, PARK AND CONSERVATION FUND.
(11) MINORITY BUSINESS DEVELOPMENT FUND.
(12) PA EHEALTH PARTNERSHIP FUND.
(13) PA INFRASTRUCTURE BANK.
(14) RECYCLING FUND.
(15) SOLID WASTE-RESOURCE RECOVERY DEVELOPMENT FUND.
(16) HIGHWAY BEAUTIFICATION FUND.

(B) THIS SECTION SHALL EXPIRE ON THE DAY AFTER EITHER OF THE
FOLLOWING ARE TERMINATED BY EXECUTIVE ORDER, PROCLAMATION OR
OPERATION OF LAW, WHICHEVER IS LATER:
(1) THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE
GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21,
2020).

(2) A DECLARATION OF DISASTER EMERGENCY RELATED TO THE NOVEL
CORONAVIRUS KNOWN AS "COVID-19" THAT IS ISSUED AFTER MARCH 6,
2020.

SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
IMMEDIATELY:

(I) THE ADDITION OF ARTICLE I-B OF THE ACT.
(II) THE ADDITION OF SECTION 1727-K OF THE ACT.
(III) THIS SECTION.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
DAYS.