AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "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 other moneys to the Commonwealth, or any agency thereof,
every State depository and every debtor or creditor of the
Commonwealth," in emergency COVID-19 response, further
providing for Hospitality Industry Recovery Program.
The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. The definition of "eligible applicant" in section
134-C(e) of the act of April 9, 1929 (P.L.343, No.176), known as
The Fiscal Code, added February 5, 2021 (P.L.1, No.1), is
amended to read:

Section 134-C. Hospitality Industry Recovery Program.

* * *

(e) 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:

* * *

"Eligible applicant." A for-profit entity that meets each of
the following:

(1) Is not publicly traded.
(2) Experienced a reduction in revenue in calendar year
2020, measured as follows:

(i) the applicant had gross receipts during the
first, second, third or fourth quarter in calendar year
2020 that demonstrate at least a 25% reduction from the
applicant's gross receipts during the same quarter in
calendar year 2019;
(ii) if the applicant was not in business during the
first or second quarter of calendar year 2019, but was in
business during the third and fourth quarters of calendar
year 2019, the applicant had gross receipts during the
first, second, third or fourth quarter of calendar year
2020 that demonstrate at least a 25% reduction from the
applicant's gross receipts during the third or fourth quarter of calendar year 2019;

(iii) if the applicant was not in business during the first, second or third quarter of calendar year 2019, but was in business during the fourth quarter of calendar year 2019, the applicant had gross receipts during the first, second, third or fourth quarter of calendar year 2020 that demonstrate at least a 25% reduction from the fourth quarter of calendar year 2019;

(iv) if the applicant was not in business during calendar year 2019, but was in operation on February 15, 2020, the applicant had gross receipts during the second, third or fourth quarter of calendar year 2020 that demonstrate at least a 25% reduction from the gross receipts of the entity during the first quarter of calendar year 2020; or

(v) an applicant that was in operation in all four quarters of calendar year 2019 is deemed to have experienced the revenue reduction in subparagraph (i) if the applicant experienced a reduction in annual receipts of at least 25% in 2020 compared to 2019 and the applicant provides copies of its annual Federal tax forms substantiating the revenue decline.

(vi) If an applicant changed ownership or control in calendar year 2020, the applicant may measure its reduction in revenue in calendar year 2020 under subparagraphs (i), (ii), (iii), (iv) or (v) using the gross receipts of the entity for 2019.

(3) Meets each of the following conditions as of February 15, 2020:
(i) One of the following:

(A) Operates a place of business within this Commonwealth having a NAICS designation within the Accommodation subsector (721) or Food Services and Drinking Places subsector (722) and where accommodations, food or drink is served to or provided for the public, with or without charge.

(B) Operates a place of business within this Commonwealth having a NAICS designation within the Other Amusement and Recreation Industries subsector (7139) and where the business is primarily engaged in the operation of a golf course or country club, ski facility, marina, fitness or recreational sports center, bowling center or other amusement and recreation service.

(ii) Has fewer than 300 full-time equivalent employees. For purposes of determining the number of full-time equivalent employees under this subparagraph, the calculation shall include each employee of the eligible applicant notwithstanding whether the eligible applicant has employees at multiple locations.

(iii) Has a maximum tangible net worth of not more than $15,000,000 computed in accordance with generally accepted accounting principles.

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Section 2. The amendment of the definition of "eligible applicant" in section 134-C(e) of the act shall apply retroactively to February 5, 2021.

Section 3. This act shall take effect immediately.