

AMENDMENTS TO SENATE BILL NO. 327

Sponsor: SENATOR SCARNATI

Printer's No. 1655

1 Amend Bill, page 1, line 28, by inserting after "TOLLING"
2 and for COVID-19 county emergency mitigation plan for
3 businesses

4 Amend Bill, page 4, line 3, by striking out the comma after
5 "agency" and inserting
6 or

7 Amend Bill, page 4, lines 3 and 4, by striking out "or other
8 State-authorized entity"

9 Amend Bill, page 4, line 6, by striking out the comma after
10 "agencies" and inserting
11 and

12 Amend Bill, page 4, lines 6 and 7, by striking out "or other
13 State-authorized entities"

14 Amend Bill, page 4, line 8, by striking out "June" and
15 inserting
16 September

17 Amend Bill, page 4, line 12, by inserting after
18 "authorities."

19 Each agency identified under this section shall provide to
20 the Treasury Department, within 30 days following the effective
21 date of this section, information as may be requested by the
22 Treasury Department, including the following, related to all
23 outstanding debt obligations of the agency:

24 (1) Total outstanding amount of all obligations.
25 (2) Most recent audited financial statement of the
26 agency.
27 (3) Description of each obligation, identifying senior

1 or subordinate debt and Federal tax treatment.
2 (4) Account of all security pledged for each obligation.
3 (5) Most recent rating associated with each debt
4 obligation, including rate covenant and maturity date.
5 (6) List of all additional associated agency obligations
6 or covenants.
7 (7) Annual debt service cost, debt service fund and debt
8 service reserve fund for each debt obligation.
9 (8) Risk factors and disclosure statements associated
10 with each debt obligation.
11 (9) Pending litigation that may financially impact the debt
12 obligations of the agency.

13 Amend Bill, page 14, line 13, by striking out "an article"
14 and inserting
15 articles

16 Amend Bill, page 18, by inserting between lines 25 and 26

17 ARTICLE XXVIII-H
18 COVID-19 COUNTY EMERGENCY MITIGATION
19 PLAN FOR BUSINESSES
20 Section 2801-H. COVID-19 County Emergency Mitigation Plan for
21 Businesses.

22 (a) Mitigation plan.--Notwithstanding 35 Pa.C.S. § 7301
23 (relating to general authority of Governor), sections 2102 and
24 2106 of the act of April 9, 1929 (P.L.177, No.175), known as The
25 Administrative Code of 1929, section 8(a) of the act of April
26 27, 1905 (P.L.312, No.218), entitled "An act creating a
27 Department of Health, and defining its powers and duties," and
28 section 5 of the act of April 23, 1956 (1955 P.L.1510, No.500),
29 known as the Disease Prevention and Control Law of 1955, the
30 governing body of a county, in consultation with its county
31 emergency management agency, county health department, county
32 health officer or any other appropriate health or emergency
33 management official, may develop and implement a countywide plan
34 to mitigate the spread of COVID-19 for businesses in accordance
35 with subsection (b). The countywide mitigation plan, including
36 any modifications to the countywide mitigation plan authorized
37 under subsection (e), shall be published on the county's
38 publicly accessible Internet website.

39 (b) Development.--The countywide mitigation plan shall
40 provide as follows:

41 (1) All businesses identified as "essential critical
42 infrastructure" in an advisory memorandum on identification
43 of essential critical infrastructure workers during COVID-19
44 response, as published by the United States Cybersecurity and
45 Infrastructure Security agency (CISA), and which operate
46 using recommended guidance for mitigating exposure to COVID-
47 19 from the Centers for Disease Control and Prevention and

1 the order of the Secretary of Health directing public health
2 safety measures for businesses permitted to maintain in-
3 person operations shall be permitted to operate within the
4 county.

5 (2) For a business not included in an advisory
6 memorandum on identification of essential critical
7 infrastructure workers during COVID-19 response, as published
8 by CISA, the business shall be permitted to operate within a
9 county if the business:

10 (i) complies with recommended guidance for
11 mitigating exposure to COVID-19 from the Centers for
12 Disease Control and Prevention and the order of the
13 Secretary of Health directing public health safety
14 measures for businesses permitted to maintain in-person
15 operations; and

16 (ii) has not been designated in the countywide
17 mitigation plan as a disallowed industry.

18 (3) Any business authorized to operate by the Governor
19 shall be authorized to operate under a countywide mitigation
20 plan.

21 (c) Compliance.--Notwithstanding the orders issued by the
22 Governor and the Secretary of Health relating to the closure of
23 nonlife-sustaining businesses on March 19, 2020, as may be
24 amended or superseded by subsequent business operation executive
25 orders, and the Statewide stay-at-home order issued by the
26 Governor and the Secretary of Health on April 1, 2020, as may be
27 amended or superseded by subsequent executive orders, a business
28 that complies with the requirements of the county mitigation
29 plan may operate within the county and individuals may leave
30 their residence for the purpose of performing work for the
31 business or patronizing the business.

32 (d) Limitation.--Nothing in this section shall be construed
33 to:

34 (1) require a county to rescind a local declaration of
35 emergency relating to COVID-19; or

36 (2) revoke, rescind or overrule the proclamation of
37 disaster emergency issued by the Governor on March 6, 2020,
38 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal
39 of the state of disaster emergency.

40 (e) Modification.--At any time, the governing body of a
41 county may take an action to modify the countywide mitigation
42 plan to expand or restrict the industries authorized to operate
43 in the county or rescind the countywide mitigation plan
44 entirely. Advance notice of an action to modify or rescind a
45 countywide mitigation plan shall be published on the county's
46 publicly accessible Internet website no later than two days
47 before the implementation of the action.

48 (f) Definitions.--As used in this section, the following
49 words and phrases shall have the meanings given to them in this
50 subsection unless the context clearly indicates otherwise:

51 "Business." Any corporation, partnership, limited liability

1 company, limited liability partnership, business trust, sole
2 proprietor or any other individual or entity doing business and
3 operating within a physical location in this Commonwealth,
4 regardless of whether the physical location is open to the
5 public.

6 "County." A county or home rule charter county of any
7 classification.

8 "COVID-19." The novel coronavirus as identified in the
9 declaration of disaster emergency issued by the Governor on
10 March 6, 2020, published at 50 Pa.B 1644 (March 21, 2020).

11 "Disallowed industry." An industry that has been prohibited
12 under the county mitigation plan. The term shall not include an
13 industry that includes a business that is authorized to operate
14 pursuant to any of the following:

15 (1) A business identified as "essential critical
16 infrastructure" in an advisory memorandum on identification
17 of essential critical infrastructure workers during COVID-19
18 response, published by CISA.

19 (2) A business authorized to operate by the Governor.

20 "Governing body." The Board of County Commissioners or the
21 county executive or other person exercising the functions of the
22 county executive in a county without a board of county
23 commissioners.

24 "Industry." A particular form or branch of economic or
25 commercial activity.