

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

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled, ~~as amended,~~ <--  
2 as amended, "An act relating to the finances of the State  
3 government; providing for cancer control, prevention and  
4 research, for ambulatory surgical center data collection, for  
5 the Joint Underwriting Association, for entertainment  
6 business financial management firms, for private dam  
7 financial assurance and for reinstatement of item vetoes;  
8 providing for the settlement, assessment, collection, and  
9 lien of taxes, bonus, and all other accounts due the  
10 Commonwealth, the collection and recovery of fees and other  
11 money or property due or belonging to the Commonwealth, or  
12 any agency thereof, including escheated property and the  
13 proceeds of its sale, the custody and disbursement or other  
14 disposition of funds and securities belonging to or in the  
15 possession of the Commonwealth, and the settlement of claims  
16 against the Commonwealth, the resettlement of accounts and  
17 appeals to the courts, refunds of moneys erroneously paid to  
18 the Commonwealth, auditing the accounts of the Commonwealth  
19 and all agencies thereof, of all public officers collecting  
20 moneys payable to the Commonwealth, or any agency thereof,  
21 and all receipts of appropriations from the Commonwealth,  
22 authorizing the Commonwealth to issue tax anticipation notes  
23 to defray current expenses, implementing the provisions of  
24 section 7(a) of Article VIII of the Constitution of  
25 Pennsylvania authorizing and restricting the incurring of  
26 certain debt and imposing penalties; affecting every  
27 department, board, commission, and officer of the State  
28 government, every political subdivision of the State, and  
29 certain officers of such subdivisions, every person,  
30 association, and corporation required to pay, assess, or  
31 collect taxes, or to make returns or reports under the laws  
32 imposing taxes for State purposes, or to pay license fees or

1 other moneys to the Commonwealth, or any agency thereof,  
2 every State depository and every debtor or creditor of the  
3 Commonwealth," PROVIDING FOR COVID-19 EFFECT ON EMPLOYMENT; <--  
4 in Local Government Capital Project Loan Fund, further  
5 providing for definitions, for assistance to municipalities  
6 and for powers and duties of department; AND, IN 2019-2020 <--  
7 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS,  
8 PROVIDING FOR TEMPORARY RESTRICTIONS ON SPECIAL FUNDS.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

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

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

16 ARTICLE I-B

17 COVID-19 EFFECT ON EMPLOYMENT

18 SECTION 101-B. SCOPE OF ARTICLE.

19 THIS ARTICLE RELATES TO COVID-19 EFFECT ON EMPLOYMENT.

20 SECTION 102-B. DEFINITIONS.

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

24 "COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE  
25 PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON  
26 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND  
27 ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY.

28 SECTION 103-B. PROHIBITION.

29 (A) GENERAL RULE.--AS A RESULT OF AN INDIVIDUAL'S COMPLIANCE  
30 WITH AN ORDER OF ISOLATION OR QUARANTINE OR WITH ANY OTHER  
31 CONTROL MEASURE RELATING TO COVID-19, THE INDIVIDUAL'S EMPLOYER  
32 MAY NOT TERMINATE, DEPRIVE, THREATEN OR OTHERWISE COERCE THE  
33 INDIVIDUAL WITH RESPECT TO THE EMPLOYMENT, A SENIORITY POSITION  
34 OR THE BENEFITS OF THE INDIVIDUAL.

1 (B) CONSTRUCTION.--NOTHING UNDER SUBSECTION (A) SHALL BE  
2 CONSTRUED TO REQUIRE THE INDIVIDUAL'S EMPLOYER TO COMPENSATE THE  
3 INDIVIDUAL FOR EMPLOYMENT TIME LOST BECAUSE OF ANY ISOLATION OR  
4 QUARANTINE RELATING TO COVID-19.

5 SECTION 104-B. VIOLATIONS.

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

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

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

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

23 \* \* \*

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

29 Section ~~2~~ 3. Sections 1603-D(a) and (b) and 1605-D of the <--  
30 act are amended to read:

1 Section 1603-D. Assistance to Municipalities.--(a) The  
2 department is hereby authorized, upon application of a  
3 municipality, to make loans to the municipality for the  
4 following purposes and in the following amounts:

5 1. Purchasing equipment. The amount of a loan made for  
6 purchasing equipment shall not exceed [fifty thousand dollars  
7 (\$50,000)] one hundred fifty thousand dollars (\$150,000) for any  
8 single piece of equipment or fifty per centum of the total cost  
9 of the piece of equipment, whichever is less.

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

17 (b) Loans made by the department for the purchase of  
18 equipment shall be for a period not to exceed the useful life of  
19 the equipment, and loans made for the purchase, construction,  
20 renovation or rehabilitation of facilities shall be for a period  
21 of not more than fifteen years. Loans shall be subject to the  
22 payment of interest at [two per centum per annum and] a rate set  
23 at the ten-year United States Treasury rate rounded to the  
24 closest quarter point, not to exceed two per centum per annum.  
25 Loan applications shall be subject to the interest rate in  
26 effect at the time a complete application is submitted to the  
27 department, which shall be the fixed rate for the full term of  
28 the loan. Loans shall be subject to such security as shall be  
29 determined by the department. The total amount of interest  
30 earned by the investment or reinvestment of all or any part of

1 the principal of any loan shall be returned to the department  
2 and transferred to the fund and shall not be credited as payment  
3 of principal or interest on the loan. The minimum amount of any  
4 loan shall be one thousand dollars (\$1,000). The municipality  
5 shall comply with the approval requirements of 53 Pa.C.S. Ch. 80  
6 Subch. C (relating to procedure for securing approval of  
7 electors).

8 \* \* \*

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

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

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

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

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

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

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

28 7. Specify priority of liens against any facilities or  
29 equipment purchased by a municipality using funds loaned  
30 pursuant to this article, if determined to be necessary.

1 8. Establish a schedule which provides at least an annual  
2 opportunity for municipalities to apply for and receive loans.

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

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

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

6 (A) NOTWITHSTANDING SECTION 1726-K, AFTER THE EFFECTIVE DATE OF

7 THIS SECTION, NO DEPARTMENT, COMMISSION, AGENCY, OFFICE OR

8 AUTHORITY OF THE GOVERNOR OR THE COMMONWEALTH SHALL ENTER INTO

9 ANY CONTRACT WHICH WOULD REQUIRE THE EXPENDITURE OF MONEY FROM

10 THE FOLLOWING SPECIAL FUNDS:

11 (1) AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND.

12 (2) BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY FUND.

13 (3) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND.

14 (4) CONSERVATION DISTRICT FUND.

15 (4) ENERGY DEVELOPMENT FUND.

16 (5) ENVIRONMENTAL EDUCATION FUND.

17 (6) ENVIRONMENTAL STEWARDSHIP FUND.

18 (7) HISTORICAL PRESERVATION FUND.

19 (8) INDUSTRIAL DEVELOPMENT FUND.

20 (9) JUSTICE REINVESTMENT FUND.

21 (10) KEYSTONE RECREATION, PARK AND CONSERVATION FUND.

22 (11) MINORITY BUSINESS DEVELOPMENT FUND.

23 (12) PA EHEALTH PARTNERSHIP FUND.

24 (13) PA INFRASTRUCTURE BANK.

25 (14) RECYCLING FUND.

26 (15) SOLID WASTE-RESOURCE RECOVERY DEVELOPMENT FUND.

27 (16) HIGHWAY BEAUTIFICATION FUND.

28 (B) THIS SECTION SHALL EXPIRE ON THE DAY AFTER EITHER OF THE

29 FOLLOWING ARE TERMINATED BY EXECUTIVE ORDER, PROCLAMATION OR

30 OPERATION OF LAW, WHICHEVER IS LATER:

1     (1) THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE  
2 GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21,  
3 2020).

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

7     SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8             (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
9 IMMEDIATELY:

10                 (I) THE ADDITION OF ARTICLE I-B OF THE ACT.

11                 (II) THE ADDITION OF SECTION 1727-K OF THE ACT.

12                 (III) THIS SECTION.

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

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