

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2538 Session of 2020

INTRODUCED BY ORTITAY, KULIK, HANBIDGE, DONATUCCI, STEPHENS, HILL-EVANS, POLINCHOCK, McNEILL, ROZZI, KORTZ, CIRESI AND READSHAW, MAY 21, 2020

REFERRED TO COMMITTEE ON FINANCE, MAY 21, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
 2 "An act relating to the finances of the State government;
 3 providing for cancer control, prevention and research, for
 4 ambulatory surgical center data collection, for the Joint
 5 Underwriting Association, for entertainment business
 6 financial management firms, for private dam financial
 7 assurance and for reinstatement of item vetoes; providing for
 8 the settlement, assessment, collection, and lien of taxes,
 9 bonus, and all other accounts due the Commonwealth, the
 10 collection and recovery of fees and other money or property
 11 due or belonging to the Commonwealth, or any agency thereof,
 12 including escheated property and the proceeds of its sale,
 13 the custody and disbursement or other disposition of funds
 14 and securities belonging to or in the possession of the
 15 Commonwealth, and the settlement of claims against the
 16 Commonwealth, the resettlement of accounts and appeals to the
 17 courts, refunds of moneys erroneously paid to the
 18 Commonwealth, auditing the accounts of the Commonwealth and
 19 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
 33 other moneys to the Commonwealth, or any agency thereof,

1 every State depository and every debtor or creditor of the
2 Commonwealth," providing for coronavirus aid, relief and
3 emergency response; and establishing the Coronavirus Aid,
4 Relief and Emergency Response Fund and the Financial
5 Assistance for Front Line Workers Program.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
9 as The Fiscal Code, is amended by adding an article to read:

10 ARTICLE I-B

11 CORONAVIRUS AID, RELIEF AND EMERGENCY RESPONSE

12 Section 101-B. Definitions.

13 The following words and phrases when used in this article
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "COVID-19 pandemic." The novel coronavirus as identified in
17 the proclamation of disaster emergency issued by the Governor on
18 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
19 any renewal of the state of disaster emergency.

20 "Department." The Treasury Department of the Commonwealth.

21 "Eligible period." The period beginning March 6, 2020, and
22 ending June 4, 2020.

23 "Fund." The Coronavirus Aid, Relief and Emergency Response
24 Fund established under section 102-B(a).

25 "Health care system." An organized system of health care in
26 which multiple health care providers participate and the health
27 care providers satisfy all of the following:

28 (1) The health care providers provide health care
29 services in a manner so that the public is aware that the
30 health care providers participate in a joint arrangement.

31 (2) The health care providers participate in any of the
32 following joint activities:

1 (i) A utilization review that involves the review of
2 health care decisions of participating covered entities
3 by other participating covered entities or a third party
4 on behalf of the participating covered entities.

5 (ii) Quality assessment and improvement activities
6 that include the assessment of the treatment provided by
7 participating covered entities by other participating
8 covered entities or a third party on behalf of the
9 participating covered entities.

10 (iii) Payment activities if all of the following
11 apply:

12 (A) The financial risk for delivering health
13 care is partially or wholly shared by participating
14 covered entities through the joint arrangement.

15 (B) Protected health care information created or
16 received by the participating covered entities is
17 reviewed by other participating covered entities or a
18 third party on behalf of the participating covered
19 entities.

20 "Participant." An employee who is unable to perform the
21 employee's job duties remotely and continues to perform the
22 employee's job duties during the COVID-19 pandemic while being
23 employed by any of the following:

24 (1) A hospital or health care system.

25 (2) A retail grocery store.

26 (3) A long-term health care facility.

27 (4) A police department.

28 (5) A fire department.

29 (6) A volunteer fire department.

30 (7) An emergency medical services company.

1 (8) A volunteer emergency medical services company.

2 (9) A pharmacy as defined in section 2(12) of the act of
3 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
4 Act.

5 (10) A banking institution as defined in 15 Pa.C.S. §
6 102(a) (relating to definitions).

7 "Program." The Financial Assistance for Front Line Workers
8 Program established under section 103-B(a).

9 Section 102-B. Establishment of fund.

10 (a) Establishment.--The Coronavirus Aid, Relief and
11 Emergency Response Fund is established as a restricted account
12 in the State Treasury.

13 (b) Transfers.--The State Treasurer shall transfer any money
14 appropriated from the Federal Government to the Commonwealth
15 for expenses incurred as a result of the COVID-19 pandemic to
16 the fund.

17 (c) Remaining money.--Any money not allocated under section
18 103-B shall remain in the fund until appropriated by the General
19 Assembly.

20 Section 103-B. Financial Assistance for Front Line Workers
21 Program.

22 (a) Establishment.--The Financial Assistance for Front Line
23 Workers Program is established within the department to assist
24 workers on the front line during the COVID-19 pandemic. The
25 start date for the program shall commence on the date when the
26 department posts the application form on the department's
27 publicly accessible Internet website under subsection (c)(1).

28 (b) Allocation.--Five hundred million dollars shall be
29 allocated from the fund for participants in the program.

30 (c) Applications.--

1 (1) The department shall develop an application for
2 participation in the program and post the application form on
3 the department's publicly accessible Internet website. An
4 applicant shall verify all of the following information on
5 the application:

6 (i) The applicant's place of employment.

7 (ii) Whether the applicant worked at the applicant's
8 physical place of employment or worked remotely during
9 the eligible period.

10 (iii) Any other information required by the
11 department needed to ensure compliance with Federal law
12 and guidance.

13 (2) In order to receive a direct payment under
14 subsection (h), an applicant must submit the application
15 under paragraph (1) to the department within 90 days of the
16 program's start date as specified under subsection (a).

17 (d) Verification.--The department shall verify with an
18 applicant's employer that the applicant did not work remotely
19 during the eligible period.

20 (e) Eligibility.--An applicant who worked at the physical
21 location of the applicant's employer during the eligible period
22 and was later furloughed due to the COVID-19 pandemic shall be
23 eligible for participation in the program. The department shall
24 provide notice to an applicant of the applicant's eligibility to
25 participate in the program.

26 (f) Submission of W-2.--Upon request by a participant in the
27 program, the participant's employer shall submit the
28 participant's Federal Wage and Tax Statement Form W-2 to the
29 department. The department may use the Federal Wage and Tax
30 Statement Form W-2 to verify the earnings of the participant for

1 the 2019 calendar year.

2 (g) Review and approval.--

3 (1) Upon review and approval of the application
4 submitted under subsection (c) and any other documentation
5 required by the department, the department shall provide a
6 direct payment to the participant as specified under
7 subsection (h).

8 (2) Upon the expiration of the eligible period, the
9 department shall determine the maximum amount available for
10 direct payments to each participant.

11 (h) Direct payments.--The department shall provide a direct
12 payment to a participant in the program via mail or electronic
13 deposit based on the following criteria:

14 (1) For a participant who filed a single tax return
15 under Article III of the act of March 4, 1971 (P.L.6, No.2),
16 known as the Tax Reform Code of 1971, 100% of the maximum
17 amount available per participant if the participant earned
18 \$75,000 or less during the calendar year 2019.

19 (2) For a participant who filed a single tax return
20 under Article III of the Tax Reform Code of 1971, and earned
21 more than \$75,000 during the calendar year 2019, 100% of the
22 maximum amount available per participant reduced by \$5 for
23 each \$100 earned above \$75,000.

24 (3) For a participant who filed a joint tax return under
25 Article III of the Tax Reform Code of 1971, 100% of the
26 maximum amount available per participant if the joint
27 earnings are \$150,000 or less during the calendar year 2019.

28 (4) For a participant who filed a joint tax return under
29 Article III of the Tax Reform Code of 1971, and the joint
30 earnings are more than \$150,000 during the calendar year

1 2019, 100% of the maximum amount available per participant
2 reduced by \$5 for each \$100 earned above \$150,000.
3 (i) Regulations.--The department may promulgate any
4 regulations necessary to implement the program.
5 Section 2. This act shall take effect immediately.