

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Wednesday, April 15, 2020

[Senate Bill 327](#) (Argall) would amend the Administrative Code of 1929 to direct the Department of General Services (DGS) to conduct an annual survey of state facility usage and to enact provisions related to the COVID-19 pandemic emergency. The legislation would require each executive agency, independent agency and state-affiliated entity to report to DGS each state facility, which is under its control or it uses. The report would have to provide the information outlined in the bill, including whether the facility is state-owned or leased and whether it is occupied or vacant. On or before July 31 of each year, DGS would have to compile and report the survey information to the chairs of the Senate and House State Government Committees.

The COVID-19 emergency provisions would add:

COVID-19 Emergency Regulatory Suspensions and Waivers Reporting Requirements

- Article XXI-C to direct the Office of the Governor to notify the legislative leaders of the suspension or waiver of laws and regulations as outlined in the legislation. The initial notification would have to be made within two days of the effective date of the article to include notifications of all suspensions, modifications and waivers which occurred prior to the effective date. Subsequent notifications would have to be made within one day of the suspension, modification or waiver.

COVID-19 Debt Cost Reduction Review

- Article XXI-D to direct the Treasury Department, in conjunction with the Secretary of the Budget, the Auditor General and any chairperson of an authority that has the power to issue debt, to identify and review all outstanding debt obligations of the Commonwealth and its authorities, commissions, agencies, boards or other state-authorized entities and to submit a report of the findings to the General Assembly no later than June 30, 2020. The report would also have to identify any options for the refinancing of the outstanding debt to reduce the costs to the Commonwealth and its authorities.

COVID-19 Cost and Recovery Task Force

- Article XXI-E to establish the COVID-19 Cost and Recovery Task Force composed of the individuals delineated in the legislation to monitor and track the response by the Commonwealth to the COVID-19 public health emergency during the time that the Governor's declaration of disaster issued on March 6, 2020, remains active, including all actions taken under the authority of the declaration. The Office of the Governor, the Senate, the House of Representatives and the Administrative Office of the Pennsylvania Courts would be required to provide administrative services to the task force. The article

would expire six months after the declaration is terminated. The task force would be directed to:

- Monitor and track the response by the Commonwealth to the COVID-19 public health emergency during the time that the order remains active, including all actions taken under the authority of the order;
- Identify immediate and urgent issues relating to the COVID-19 public health emergency that require executive, legislative or judicial action and to make recommendations to the proper body in a timely fashion;
- Develop a recovery plan that describes how the Commonwealth can quickly resume mission-critical functions, including the restoration of housing, transportation, education and other public services and economic activity to levels equal to or better than their pre-disaster state through a series of short-term, intermediate and long-term strategies and actions.; and
- Make a final report no later than six months after the order is terminated documenting all actions taken by executive agencies, enactments by the legislature, judicial orders, and local government actions made in response to the COVID-19 public health emergency.

COVID-19 County Emergency Mitigation Plan for Businesses

The measure would also add Article XXVIII-G to authorize the governing body of a county, in consultation with its county emergency management agency, county health department, county health officer, or any other appropriate health or emergency management official, to develop and implement a countywide plan to mitigate the spread of COVID-19 for businesses. The county plan would have to be published on the county's website. Advance notice of a modification to expand or restrict the industries authorized to operate in that county, or rescind the countywide plan entirely, would have to be published on the county's website two days prior to implementation.

All businesses identified as "essential critical infrastructure" in an Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response, as published by the United States Cybersecurity and Infrastructure Security Agency (CISA), and which operate using recommended guidance for mitigating exposure to COVID-19 from the Centers for Disease Control and Prevention (CDC) would be permitted to operate within the county. Businesses not included in a CISA Memorandum as "essential critical infrastructure" would be permitted to operate within a county if the business complies with recommended guidance for mitigating exposure to COVID-19 from the CDC and has not been designated in the countywide mitigation plan as a disallowed industry. Any business authorized to operate by the Governor would also be permitted to operate under the countywide plan.

The article would supersede the Governor's and Secretary of Health's orders from March 19, 2020, and the Secretary's April 1, 2020 order, as amended, by authorizing any business that

complies with the county mitigation plan to operate within the county. Nothing in the section would require a county to rescind a local declaration of emergency relating to COVID-19, or revoke, rescind or overrule the proclamation of disaster of emergency issued by the Governor on March 6, 2020. The article would expire on the same date as the suspension or expiration of the Governor's declaration of disaster emergency related to COVID-19. [Concurrence in House Amendments, as Amended: 29-21.](#)

[Senate Bill 613](#) (Mensch) would amend the Administrative Code of 1929 to provide for criminal history background checks of employees and contractors with access to federal tax information and to provide for an emergency mitigation plan for businesses related to the COVID-19 emergency. The bill would remove Section 225 (Employees with access to Federal tax information) and add section 226 to provide for criminal history background checks by the Pennsylvania State Police (PSP) for employees and contractors with access to federal tax information. When a criminal history background check is requested, the PSP would be required to do the following: provide a report of the individual's criminal history record information, submit the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history records check and provide the agency with the national criminal history information of the individual. If an agency determines an individual is not suitable to access federal tax information, the agency would have to take appropriate action including: declining to hire the individual, transferring the individual to a position that does not require federal tax information or terminating the individual's employment. An individual who has been determined suitable to access federal tax information would have to resubmit to a criminal history background check within 10 years of the individual's last check unless the agency participates in a program exempting employees from clearance. The Department of Revenue could publish guidelines to implement the section.

The measure would also add Article XXI-C directing the Governor to develop and implement a plan to mitigate the spread of COVID-19 for businesses, notwithstanding 35 Pa.C.S. Part V (relating to emergency management services). The plan would have to be developed using recommended guidance for mitigating exposure to COVID-19 from the CDC and conform to the March 28, 2020, Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response, as published by the United States Cybersecurity and Infrastructure Security Agency (CISA). The plan would have to be published on the Department of Community and Economic Development's website within seven days of the effective date of the section. A business that complies with the requirements of the mitigation plan would be authorized to operate in the state. A "business" would be defined as any business, industry or trade operating with a physical location in the Commonwealth, regardless of whether that physical location is open to the public. [Concurrence in House Amendments: 29-21.](#)

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