

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1069 Session of 2021

INTRODUCED BY MERSKI, BRIGGS, SANCHEZ, FREEMAN, SHUSTERMAN,  
BROOKS, ROZZI, WEBSTER, DRISCOLL, HARKINS, SCHLOSSBERG,  
MCNEILL, KULIK, DALEY AND SAINATO, APRIL 1, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 1, 2021

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," in emergency COVID-19 response, further  
3 providing for Hospitality Industry Recovery Program.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. The definition of "eligible applicant" in section  
7 134-C(e) of the act of April 9, 1929 (P.L.343, No.176), known as  
8 The Fiscal Code, added February 5, 2021 (P.L.1, No.1), is  
9 amended to read:

10 Section 134-C. Hospitality Industry Recovery Program.

11 \* \* \*

12 (e) Definitions.--The following words and phrases when used  
13 in this section shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 \* \* \*

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

18 (1) Is not publicly traded.

19 (2) Experienced a reduction in revenue in calendar year  
20 2020, measured as follows:

21 (i) the applicant had gross receipts during the  
22 first, second, third or fourth quarter in calendar year  
23 2020 that demonstrate at least a 25% reduction from the  
24 applicant's gross receipts during the same quarter in  
25 calendar year 2019;

26 (ii) if the applicant was not in business during the  
27 first or second quarter of calendar year 2019, but was in  
28 business during the third and fourth quarters of calendar  
29 year 2019, the applicant had gross receipts during the  
30 first, second, third or fourth quarter of calendar year  
31 2020 that demonstrate at least a 25% reduction from the

1 applicant's gross receipts during the third or fourth  
2 quarter of calendar year 2019;

3 (iii) if the applicant was not in business during  
4 the first, second or third quarter of calendar year 2019,  
5 but was in business during the fourth quarter of calendar  
6 year 2019, the applicant had gross receipts during the  
7 first, second, third or fourth quarter of calendar year  
8 2020 that demonstrate at least a 25% reduction from the  
9 fourth quarter of calendar year 2019;

10 (iv) if the applicant was not in business during  
11 calendar year 2019, but was in operation on February 15,  
12 2020, the applicant had gross receipts during the second,  
13 third or fourth quarter of calendar year 2020 that  
14 demonstrate at least a 25% reduction from the gross  
15 receipts of the entity during the first quarter of  
16 calendar year 2020; or

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

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

29 (3) Meets each of the following conditions as of  
30 February 15, 2020:

1           (i) Operates a place of business within this  
2 Commonwealth having a NAICS designation within the  
3 Accommodation subsector (721) or Food Services and  
4 Drinking Places subsector (722) and where accommodations,  
5 food or drink is served to or provided for the public,  
6 with or without charge[.] or operates a place of business  
7 within this Commonwealth having a NAICS designation  
8 within the Breweries sector (312120), the Wineries sector  
9 (312130) or the Distilleries sector (312140) and where  
10 accommodations are not provided, but drink is served to  
11 or provided for the public.

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

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

21 \* \* \*

22 Section 2. This act shall take effect immediately.