

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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YOUNGBLOOD AND WASHINGTON, APRIL 14, 1999

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 14, 1999

AN ACT

1 Providing for a program of grants to develop and provide useful
2 and productive opportunities for unemployed and underemployed
3 people, especially young people, through payments for labor
4 and related costs associated with the construction, repair or
5 rehabilitation of essential community and educational
6 facilities, with the reclamation, improvement and
7 conservation of public lands, and with the creation, repair,
8 rehabilitation and restoration of public safety, public
9 transportation, health, social services and recreation
10 facilities and other activities necessary to the public
11 welfare; further providing for powers and duties of the
12 Department of Community and Economic Development and the
13 Secretary of Community and Economic Development; establishing
14 the Infrastructure Redevelopment Agency as a public
15 corporation and government instrumentality; providing for the
16 organization, membership and administration of the agency;
17 prescribing the agency's general powers and duties and the
18 manner in which its funds are kept and audited; permitting
19 the agency to acquire real or personal property, to make
20 agreements with financial institutions and Federal agencies;
21 providing for the promulgation of regulations and forms by
22 the agency; prescribing penalties for furnishing false
23 information; empowering the agency to borrow money upon its
24 own credit by the issuance and sale of bonds and notes and by
25 giving security therefor; permitting the refunding,
26 redemption and purchase of obligations by the agency;
27 prescribing remedies of holders of such bonds and notes;
28 exempting bonds and notes of the agency, the income and the
29 income and revenues of the agency from taxation, except
30 transfer, death and gift taxes; making such bonds and notes
31 legal investments for certain purposes; and providing for the

1 transfer of certain funds to the Department of Community and
2 Economic Development to further the purposes of this act.

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30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 CHAPTER 1

3 PRELIMINARY PROVISIONS

4 Section 101. Short title.

5 This act shall be known and may be cited as the Job Creation
6 and Infrastructure Restoration Act.

7 Section 102. Legislative findings.

8 The General Assembly finds and declares as follows:

9 (1) That the investments made during the 1930s, 1940s
10 and 1950s in the infrastructure of the United States through
11 the Roosevelt public works programs, the National Highway Act
12 and other major efforts led to the greatest economic recovery
13 and sustained level of economic growth in the first 150 years
14 of our nation's existence.

15 (2) That this Commonwealth's infrastructure has suffered
16 greatly over the past three decades because of the failure of
17 the Federal Government to renew and restore roads, bridges,
18 public buildings, public lands and other public assets.

19 (3) That the lack of resources for the maintenance of
20 the infrastructure during this period has led to the loss of
21 both jobs and job skills in these vital areas, with
22 consequent increased unemployment and a reduction in the
23 quality of life for residents of affected areas.

24 (4) That there is a critical need to renew and restore
25 both the public buildings and other assets, and the jobs and
26 job skills needed to ensure that those assets are available
27 for use by future generations and for any defense needs the
28 country may face in the future.

29 (5) That policies at the Federal and State level have
30 demonstrated diminished concern for the infrastructure needs

1 of the communities of the nation and a shifting of the burden
2 for maintenance and creation of highways, bridges, mass
3 transit and other infrastructure on to State and local
4 governments, in addition to the burden for local needs, such
5 as public safety, education, health and public welfare, that
6 those jurisdictions bear, thereby stretching already
7 shrinking resources beyond the capabilities of those
8 governments to address these needs.

9 (6) That financial incentives that are specifically
10 linked to the development of jobs, and renewal of important
11 job skills will help reverse the trend to continued erosion
12 of the Commonwealth's infrastructure.

13 (7) That economic growth rates, future efficiency and
14 competitiveness will be substantially enhanced by programs of
15 assistance to local governments to construct and rehabilitate
16 this Commonwealth's economic infrastructure.

17 (8) That efforts to reform the welfare system are based
18 on the assumption that there will be jobs available in the
19 public and private sectors for current welfare recipients and
20 for noncustodial parents whose responsibilities include
21 providing support for their children.

22 (9) That, absent a concentrated effort on the part of
23 the Commonwealth to create career jobs that provide a living
24 wage, efforts to reform the welfare system are doomed to
25 failure.

26 (10) That creation of living wage jobs in conjunction
27 with a large and sustained public works infrastructure
28 renewal program will reap significant rewards in direct tax
29 payments at all levels of government, increased economic
30 expansion for the Commonwealth and substantial reductions in

1 the outlays for unemployment support, welfare, Medicaid and
2 other government expenditures and will also lessen the burden
3 on government expenditures that result from lack of
4 employment for those at risk of entering a life of crime.

5 Section 103. Definitions.

6 The following words and phrases when used in this act shall
7 have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Department." The Department of Community and Economic
10 Development of the Commonwealth.

11 "Local government." A political subdivision.

12 "Public works." The term includes water and sewer lines,
13 streets and roads, water and sewage treatment plants or
14 facilities, port facilities, police and fire stations, detention
15 centers, schools, health facilities, industrial research or
16 development parks, research facilities at institutions of higher
17 learning and other projects and the Secretary of Community and
18 Economic Development determines to be appropriate.

19 "Secretary." The Secretary of Community and Economic
20 Development of the Commonwealth.

21 CHAPTER 3

22 GRANTS TO LOCAL GOVERNMENTS

23 SUBCHAPTER A

24 GENERAL PROVISIONS

25 Section 301. Direct grants.

26 (a) General rule.--The department may make grants to any
27 local government for construction, including demolition and
28 other site preparation activities, renovation, repair,
29 restoration or other improvement of local public works projects,
30 including those public works projects of local governments for

1 which Federal financial assistance is authorized. To the extent
2 appropriate, the department may coordinate with other Federal,
3 State or local agencies in assessing grant requests and in
4 providing appropriate levels of support.

5 (b) State share.--The State share of any project for which a
6 grant is made under this section shall be no more than 90% of
7 the cost of the project.

8 (c) Termination of grants.--No new grants shall be made
9 under this section after the expiration of any three-consecutive
10 month period during which the unemployment rate remained below
11 5% for each such month, or after September 30, 2001, whichever
12 occurs first.

13 Section 302. Allocation of funds and preferences.

14 (a) Allocation of funds.--The department shall allocate
15 funds as follows:

16 (1) After the set-aside required by paragraphs (2) and
17 (3), 60% of the funds shall be allocated among counties on
18 the basis of the ratio that the number of unemployed persons
19 in each county bears to the total number of unemployed
20 persons in all counties, and 40% of the funds shall be
21 allocated among those counties with an average unemployment
22 rate for the preceding six-month period in excess of 6% on
23 the basis of the relative severity of unemployment in each
24 county, except that no county shall be allocated less than
25 .75% or more than 12% of the funds for local public works
26 projects within the county.

27 (2) No less than 10% of each county's allocations shall
28 be set aside and shall be expended only for grants for public
29 works projects under this chapter for local units of general
30 government with populations under 10,000.

1 (3) Up to .75% of the total grant award shall be
2 available for project development and preparation and for
3 ongoing project administration. This allocation shall be
4 available for local governments defined as nonentitlement
5 under the Housing and Urban Development Community Development
6 Block Grant Program. The allocation shall not exceed \$15,000
7 for any single grant award.

8 (b) Preferences.--

9 (1) In making grants, the department shall give priority
10 to public works projects of local governments that will
11 employ those persons adversely affected by recent changes in
12 Federal and State laws relating to public and other
13 assistance.

14 (2) In making grants, the department shall also give
15 priority to any public works projects requested by a special
16 purpose unit of local government which is endorsed by a
17 general purpose local government within the county.

18 (3) A project requested by a school district shall be
19 accorded the full priority and preference to public works
20 projects of local governments provided in this subsection.

21 (4) A project that:

22 (i) creates or adds to an applied research facility
23 at an institution of higher education, which facility is
24 intended to promote the development of new products and
25 processes; or

26 (ii) the department determines will improve the
27 competitiveness of industry
28 shall be accorded full priority and preference. For projects
29 under this section, matching funds requirements shall be
30 waived if the company or companies and school involved

1 commit, in the department's opinion, to undertake all future
2 equipment and maintenance expenses.

3 (c) High unemployment rates.--

4 (1) In making grants under this chapter, if for the 12
5 most recent consecutive months the average unemployment rate
6 in the construction trades is equal to or exceeds 8%, the
7 department shall:

8 (i) expedite and give priority to applications
9 submitted by local governments having unemployment rates
10 for the 12 most recent consecutive months in excess of
11 the State unemployment rate in the construction trades;
12 and

13 (ii) shall give priority thereafter to applications
14 submitted by local governments having average
15 unemployment rates for construction trades for the 12
16 most recent consecutive months in excess of 6%, but less
17 than the State unemployment rate.

18 (2) Information regarding unemployment rates shall be
19 furnished by the Department of Labor and Industry.

20 (d) State and local prioritization of applications.--

21 Whenever a local government submits applications for grants
22 under this chapter for two or more projects, the local
23 government shall submit as part of the applications its priority
24 for each project.

25 (e) Localization of unemployment determinations.--The local
26 unemployment rate may, for purposes of this chapter, and upon
27 request of the applicant, be based upon the unemployment rate of
28 any community or neighborhood, without regard to political or
29 other subdivisions or boundaries, within the jurisdiction of the
30 local government.

1 Section 303. Rules, regulations and procedures.

2 (a) General rule.--The department shall, not later than 90
3 days after the effective date of this act, publish in the
4 Pennsylvania Bulletin as proposed rulemaking those rules and
5 regulations, including application forms, necessary to carry out
6 this chapter. The rules and regulations shall assure that
7 adequate consideration is given to the relative needs of various
8 areas of this Commonwealth. The department shall consider among
9 other factors:

10 (1) The severity and duration of employment in proposed
11 project areas.

12 (2) The income levels and extent of underemployment in
13 proposed project areas.

14 (3) The extent to which proposed project areas will
15 contribute to increased employment in the construction trades
16 and future economic growth.

17 (4) The needs of proposed project areas to recover from
18 natural or other disaster which has affected the
19 infrastructure of the area.

20 (b) Consideration of applications.--The department shall
21 make a final determination with respect to each application for
22 a grant not later than the 60th day after the date the
23 department receives the application.

24 (c) Consideration of construction industry employment.--For
25 purposes of this section, in considering the extent of
26 unemployment or underemployment, the department shall consider
27 the amount of unemployment or underemployment in the
28 construction and construction-related industries.

29 Section 304. General limitations.

30 (a) Acquisition of land.--No part of any grant shall be used

1 for the acquisition of any interest in real property.

2 (b) Maintenance costs.--Nothing in this chapter shall be
3 construed to authorize the payment of routine scheduled
4 maintenance costs in connection with any projects constructed in
5 whole or in part with financial assistance provided under this
6 chapter.

7 (c) Onsite labor.--The department shall make grants only for
8 projects for which the applicant gives satisfactory assurances,
9 in such manner and form as may be required by the department and
10 in accordance with those terms and conditions as the department
11 may prescribe, that, if funds are available, onsite labor work
12 can begin within 90 days of project approval.

13 (d) Contracting.--

14 (1) No part of the construction, including demolition
15 and other site preparation activities, renovation,
16 restoration, repair or other improvement of any public works
17 project for which a grant is made shall be performed directly
18 by any department, agency or instrumentality of the
19 Commonwealth or any local government.

20 (2) Construction of each project shall be performed by
21 contract awarded by competitive bidding, unless the
22 department shall affirmatively find that, under the
23 circumstances relating to the project, an alternative method
24 is in the public interest.

25 (3) Contracts for the construction of each project shall
26 be awarded only on the basis of the lowest responsible bid
27 submitted by a bidder meeting the established criteria of
28 responsibility, subject to subsection (c).

29 (4) No requirement or obligation shall be imposed as a
30 condition precedent to the award of a contract to a bidder

1 for a project or to the department's concurrence in the award
2 of a contract to the bidder, unless the requirement or
3 obligation is otherwise lawful and is specifically set forth
4 in the advertised specifications or in this act.

5 (e) Environmental safeguards.--A local public works project
6 carried out under this chapter shall comply with all relevant
7 Federal, State and local environmental laws and regulations.

8 (f) Buy American.--If a local public works project carried
9 out with financial assistance under this chapter is eligible for
10 Federal financial assistance under provisions of law other than
11 this chapter and, under such other provisions of law, is subject
12 to the Buy American Act of 1988 (Public Law 100-418, 102 Stat.
13 1545), or similar requirements, such project shall be subject to
14 The Exchange Rates and International Economic Policy
15 Coordination Act of 1988.

16 (g) Minority participation.--If a local public works project
17 carried out with financial assistance under this chapter is
18 eligible for Federal financial assistance under provisions of
19 law other than this chapter and, under such other provision of
20 law, is subject to any minority participation requirement, the
21 project shall be subject to such requirement under this chapter,
22 in the same manner and to the same extent as such project would
23 be subject to those requirements under such other provisions of
24 law.

25 (h) Applicability of laws regarding individuals with
26 disabilities.--

27 (1) Sections 504 and 505 of the Rehabilitation Act of
28 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and the
29 Americans With Disabilities Act of 1990 (Public Law 101-336,
30 104 Stat. 327) shall apply to local public works projects

1 carried out under this act.

2 (2) The Governor, with the approval of the Auditor
3 General and the State Treasurer, shall transfer to the
4 Department of Labor and Industry such funds as may become
5 available under Subchapter B, and shall allocate such funds
6 into equal shares for the following fiscal years:

7 (i) July 1, 1999, to June 30, 2000.

8 (ii) July 1, 2000, to June 30, 2001.

9 (iii) July 1, 2001, to June 30, 2002.

10 SUBCHAPTER B

11 FUNDING SOURCE

12 CHAPTER 5

13 PUBLIC WORKS AND JOB RESTORATION

14 Section 501. Purpose.

15 It is the purpose of this chapter to develop and provide
16 useful and productive opportunities for unemployed and
17 underemployed people, especially young people, through payments
18 for labor and related costs associated with the construction,
19 repair or rehabilitation of essential community and educational
20 facilities; with the reclamation, improvement and conservation
21 of public lands; and with the creation, repair, rehabilitation
22 and restoration of public safety, public transportation, health,
23 social services and recreation facilities and other activities
24 necessary to the public welfare.

25 Section 502. Eligible participants.

26 (a) General eligibility requirements.--

27 (1) An individual shall be eligible to participate in a
28 program, project or activity receiving funds under this
29 chapter only if the individual meets all of the following:

30 (i) Is a resident or citizen of this Commonwealth.

(ii) Is an unemployed individual at the time of enrollment.

(iii) Has been unemployed for at least 30 days immediately preceding the date of such enrollment, except as otherwise provided in subsection (e) or (f) and section 902.

(2) An individual may be eligible for purposes of this section under procedures agreed to by the eligible administrative entity and established in regulations established by the department.

(b) Duration of eligibility.--No individual who is eligible under subsection (a) shall receive wages from funds made available under this chapter in excess of 52 weeks in any two-year period, in accordance with the following subsidy schedule:

(1) Up to 75% of the participant's wages may be subsidized for the first 26 weeks.

(2) Up to 50% of the participant's wages may be subsidized for the next 13 weeks.

(3) Up to 25% of the participant's wages may be subsidized for the next 13 weeks.

(c) Priority for participation.--In the selection of participants for activities under this chapter, priority shall be given to individuals who:

(1) At the time of selection, have exhausted or are otherwise not eligible for unemployment benefits, particularly:

(i) Those individuals who have been unemployed for the longest periods of time preceding the date of their selection.

(ii) Those individuals residing in households in

1 which no other member is employed on a full-time basis.

2 (iii) Those individuals who are or were qualified
3 participants in aid to families with dependent children
4 (AFDC) or in a program under the Trade Adjustment Act of
5 1979 (Public Law 96-39, 93 Stat. 144) or other Federal
6 program providing job reemployment assistance due to base
7 closure, factory closure or other job loss due to
8 economic factors.

9 (iv) Those young individuals who are unemployed and
10 who reside in communities with the highest levels of
11 unemployment or underemployment.

12 (2) Except for individuals described in subparagraph
13 (iv), have been employed within the past two years by the
14 employer that is providing the subsidized job position.

15 (d) Special consideration for welfare recipients.--An entity
16 receiving funds under this chapter shall give special
17 consideration to applicants who are:

18 (1) Custodial parents of children who are recipients of
19 assistance under Title IV of the Social Security Act (49
20 Stat. 620, 42 U.S.C. § 301 et seq.).

21 (2) Noncustodial parents of nondependent children who
22 are recipients of assistance under Title IV of the Social
23 Security Act, but only if the applicants agree in writing to
24 the withholding of an appropriate portion of their wages to
25 be applied to the support of the children under any child
26 support order.

27 (e) Special consideration for veterans.--With regard to
28 services to veterans provided under section 701(a)(3)(xv),
29 special consideration in selecting participants for employment
30 in such activities should be given to veterans who otherwise

1 meet the eligibility requirements in this section.

2 (f) Special consideration for public assistance
3 recipients.--Special consideration shall be given to current and
4 former recipients of public assistance and to current and former
5 recipients to aid to families with dependent children.

6 (g) Equal employment opportunities.--

7 (1) In certifying eligible participants under subsection
8 (a) and in referring them for employment to recipients under
9 Chapters 7 and 9, the administrative entity shall be
10 responsible for ensuring equal employment opportunities and
11 the full participation of traditionally underrepresented
12 groups, including women and racial and ethnic minorities, in
13 employment provided with funds made available under this
14 subchapter.

15 (2) Each recipient of funds under Chapters 7 and 9 shall
16 be responsible for ensuring such opportunities and full
17 participation in the selection of eligible participants for
18 such employment.

19 Section 503. Limitation on use of funds.

20 (a) Reservation for wages and benefits.--Not less than 75%
21 of the funds made available to any recipient under Chapters 7
22 and 9 from funds appropriated for any fiscal year shall be used
23 to provide for wages and related employment benefits to eligible
24 participants for work which the recipient certifies has been
25 performed in one or more of the activities authorized under this
26 act.

27 (b) Limitation on administrative costs.--No more than 10% of
28 the funds provided to a recipient under Chapter 9 or 11 from
29 funds appropriated for any fiscal year may be used for the cost
30 of administration.

1 (c) Acquisition of tools, equipment and materials.--The
2 remainder of the funds provided to a recipient under Chapter 7
3 or 9 from funds appropriated for the fiscal year, after
4 compliance with subsection (a) and deduction of costs of
5 administration permitted by subsection (b), may be used for the
6 acquisition of supplies, tools, equipment and other materials
7 directly related to the purpose for which the funds were
8 provided.

9 (d) Use of other funds.--

10 (1) Nothing in this act shall be construed to preclude
11 or limit the payment of the costs of administration or the
12 costs of supplies, tools, equipment or other materials
13 directly related to the project or program being funded,
14 either in whole or in part, from Federal sources such as
15 section 106 of the Housing and Community Development Act of
16 1974 (Public Law 93-383, 88 Stat. 139) or from non-Federal
17 sources other than this act.

18 (2) In designating projects under this act, the
19 recipient shall, to the extent feasible, ensure that
20 supplies, tools, equipment or other materials purchased or
21 procured in accordance with paragraph (1) have been
22 manufactured, mined or produced in the United States, unless
23 the supply, tool, equipment or material is not available in
24 reasonable quantity and quality as required to fulfill the
25 needs of the project or activity.

26 (e) Training cost exception.--Notwithstanding subsection
27 (a), funds available under Chapter 7 may be used for costs
28 associated with training and related support for a number of
29 participants if:

30 (1) Employers have made commitments to fill an equal

1 number of unsubsidized jobs with participants who have
2 successfully completed training.

3 (2) The recipient has entered into an agreement for the
4 provision of such training to participants with one or more
5 of the following: an apprenticeship training program which is
6 certified by the Department of Labor for the construction
7 industry and meets Federal standards for apprenticeship
8 training, an administrative entity designated under section
9 103(b)(1)(B) of the Job Training Partnership Act (Public Law
10 97-300, 29 U.S.C. § 1513), a local educational agency, a
11 vocational education school, an institution of higher
12 education, a community-based organization, a community action
13 agency, a community development corporation or other
14 qualified public or private nonprofit provider of training
15 services.

16 (3) The costs associated with providing this training
17 and related support to a participant from funds available
18 under this act do not exceed, on a weekly basis, the maximum
19 wage which may be paid with funds available under this act.

20 Apprenticeship training shall be included in the project
21 agreements negotiated with the building trades councils as
22 outlined in section 304(d)(2). Minority participation
23 requirements as specified in this act shall be applied to the
24 project agreements.

25 (f) Salary limitation.--Funds available for the cost of
26 administration pursuant to subsection (b) may not be used to pay
27 salaries or wages to administrative or supervisory employees as
28 follows:

29 (1) at a rate that is greater than the rate of the
30 salaries or wages paid to employees performing comparable

1 functions for the same employer; or

2 (2) if there is no such comparable rate, at a rate which
3 is in excess of the rate of pay prescribed for GS-13 of the
4 General Schedule with respect to employees of the Federal
5 Government.

6 CHAPTER 7

7 COMMUNITY RENEWAL

8 SUBCHAPTER A

9 COMMUNITY IMPROVEMENT PROJECTS

10 Section 701. Employment in community improvement projects.

11 (a) Qualified activities.--Eligible participants shall be
12 employed in community improvement projects under this chapter in
13 one or more of the following activities:

14 (1) Repair, rehabilitation or improvement of public
15 facilities, including any of the following:

16 (i) Street, highway or road repair.

17 (ii) Painting or repair of bridges and pedestrian
18 overpasses or underpasses.

19 (iii) Rehabilitation or repair of community
20 facilities such as public libraries or other public
21 buildings.

22 (iv) Rehabilitation, repair and modernization of
23 public housing.

24 (v) Water development projects and repair of water
25 systems.

26 (vi) Repair and rehabilitation of public mass
27 transit systems.

28 (vii) Erecting and replacing school crossing,
29 intersection and other road surface or sign markings and
30 removing road or public sidewalk obstructions.

1 (viii) Rehabilitation of public playgrounds and
2 parks.

3 (ix) Installation and repair of drainage pipes,
4 catch basins or other portions of control of potential
5 flooding.

6 (x) Installation of graded ramps and assistance
7 devices such as handrails for the handicapped.

8 (xi) Weatherization and other energy conservation
9 activities.

10 (2) Activities to conserve, restore, rehabilitate or
11 improve public lands, including the following:

12 (i) Erosion, fire, flood, drought, earthquake and
13 storm damage prevention, assistance and control.

14 (ii) Removal of refuse and hazardous materials from
15 drainage ditches, illegal dumping sites and other public
16 areas.

17 (iii) Stream, lake and waterfront harbor and port
18 improvement and pollution control.

19 (iv) Nursery, forestry and silvicultural operations.

20 (v) Reclamation activities on public lands that have
21 been strip-mined or subjected to other mineral extraction
22 activities.

23 (vi) Fish culture and habitat maintenance and
24 improvement and other fishery assistance.

25 (vii) Rehabilitation, improvement and conservation
26 of rangelands.

27 (viii) Urban revitalization and historical and
28 cultural site preservation.

29 (ix) Road and trail maintenance and improvement.

30 (x) Improvement and reuse of abandoned railroad bed

1 and right-of-way.

2 (xii) Renewable resource enhancement, energy
3 conservation projects and recovery of biomass.

4 (3) Public safety, health, social service and other
5 activities necessary to the public welfare, including the
6 following:

7 (i) Fire hazard inspection and repair and repairing
8 or replacing fire hydrants.

9 (ii) Emergency food and shelter activities.

10 (iii) Child and dependent care activities designed
11 to enable parents to become fully employed.

12 (iv) Assisting in nutrition programs for children,
13 the elderly and the disabled.

14 (v) Other services for the elderly or disabled,
15 including meals on wheels, in-home services and respite
16 care.

17 (vi) Disaster relief efforts to assist victims.

18 (vii) Upgrading personal and residential security
19 for elderly and low-income residents of public or
20 publicly assisted housing.

21 (viii) Public health services, including assistance
22 in community health centers.

23 (ix) Emergency medical and rescue services.

24 (x) Drug and alcohol abuse programs.

25 (xi) Domestic violence programs, including
26 prevention of child abuse.

27 (xii) Education and training assistance, including
28 family literacy, English as a second language, basic
29 skills education, remedial tutoring and occupational
30 skills training.

(xiii) Assisting public library programs, including library aide programs and book mobiles.

(xiv) Employment counseling, homelessness prevention and other services to veterans.

(xv) Security guards for public schools and public housing projects.

(xvi) Police support, such as dispatchers, neighborhood watch and traffic control to free police officers for full-time street duty.

(xvii) Staff support for juvenile and adult correctional facilities.

(xviii) Rodent and insect control activities.

(xix) Hazardous materials surveys.

(xx) Unemployment counseling and job placement services.

(b) Joint programs authorized.--Nothing in this chapter shall be construed to preclude the activities identified in subsection (a) from being conducted in conjunction with programs funded from sources other than under this chapter.

(c) Public lands projects limitations.--

(1) Projects to be carried out under subsection (a)(2) shall be limited to projects on public lands except where a project involving other lands will provide a documented public benefit and reimbursement will be provided to the recipient for that portion of the total cost of the project which does not provide a public benefit. Notwithstanding any other provision of law, any reimbursement referred to in this paragraph shall be retained by the recipient and shall be used by the recipient for purposes of carrying out other projects under this chapter.

1 (2) All projects carried out under this act for
2 conservation, rehabilitation, restoration or improvement of
3 any public lands shall be consistent with the provisions of
4 law and policies relating to the management and
5 administration of such lands, with all other applicable
6 provisions of law and with all management, operational and
7 other plans and documents which govern the administration of
8 the area.

9 (d) Definition of project.--For the purpose of this section,
10 the term "project" means a definable task or group of related
11 tasks which:

12 (1) Will be carried out by a government department,
13 public or quasi-public agency, private nonprofit organization
14 or private contractor, including those carried out in
15 conjunction with local Building Trades Councils, as described
16 in section 204(e)(2).

17 (2) Will be completed within 24 months, if a program
18 designed to create or modify, repair, rehabilitate or restore
19 buildings or other tangible property.

20 (3) Is an activity authorized under this section or
21 section 741(b).

22 (4) Will result in a specific product or accomplishment.

23 (5) Would not otherwise be conducted with existing
24 funds.

25 (6) Will meet the priorities established in section 214.
26 Section 702. Eligible administrative entities.

27 (a) General rule.--Except as otherwise provided in this
28 section, an eligible administrative entity under this act shall
29 be an administrative entity under section 103(b)(1)(B) of the
30 Job Training Partnership Act (Public Law 97-300, 29 U.S.C. §

1 1513(b)(1)(B)) that serves one or more eligible jurisdictions.

2 (b) Eligible jurisdiction.--An eligible jurisdiction under
3 this chapter shall be an area which has an unemployment rate in
4 excess of 6% and which is:

5 (1) A unit of general local government which has a
6 population of 50,000 or more individuals.

7 (2) A consortium of contiguous units of general local
8 government which includes:

9 (i) Two or more municipal governments at least one
10 of which is an eligible jurisdiction under paragraph (1).

11 (ii) A combination of one or more such municipal
12 governments and one or more county governments or
13 equivalents.

14 (iii) Two or more county governments or equivalents
15 at least one of which is an eligible jurisdiction under
16 paragraph (1).

17 (c) Qualification of administrative entities.--

18 (1) An administrative entity that serves an eligible
19 jurisdiction shall qualify as an eligible administrative
20 entity for that eligible jurisdiction by filing, within 30
21 days of the allotment of funds to that area, a statement with
22 respect to the use of such allotment. If no such
23 administrative entity files such a statement within the 30
24 days, the department may, on the basis of the filing of such
25 a statement, qualify another administrative entity within the
26 same state to serve that jurisdiction.

27 (2) A larger unit of general local government,
28 determined on the basis of population, may not qualify as an
29 eligible administrative entity to serve the population of any
30 geographic area within the jurisdiction of any smaller unit

1 of general local government, determined on the basis of
2 population, if the latter unit is, or is part of, an eligible
3 administrative entity that has filed a statement with respect
4 to the use of funds provided under this act for such area.

5 Section 703. Project design.

6 (a) Priority.--In designing projects under this chapter, the
7 eligible administrative entity shall give priority to projects
8 on the basis of:

9 (1) The severity and duration of unemployment within
10 localities in the area of the eligible administrative entity.

11 (2) The degree to which project activities will lead to
12 the expansion of unsubsidized employment opportunities in the
13 private sector.

14 (3) The level of need which exists for the activities
15 and services to be provided.

16 (4) The extent to which the activities will provide
17 long-term benefits to the public.

18 (5) The extent to which the activities will instill in
19 the enrollee involved a work ethic and a sense of public
20 service.

21 (6) The extent to which the project will be labor
22 intensive.

23 (7) The extent to which the project can be planned and
24 initiated promptly.

25 (b) Coordination.--To the extent feasible, employment
26 opportunities established with funds made available under this
27 chapter shall be coordinated with other Federal, State and local
28 activities, including vocational and adult education, job
29 training provided with funds available under the Job Training
30 Partnership Act (Public Law 97-300, 29 U.S.C. § 1501 et seq.),

1 the Family Support Act of 1988 (Public Law 100-485, 102 Stat.
2 2343) and activities receiving funds available under section 106
3 of the Housing and Community Development Act of 1974 (Public Law
4 93-383, 42 U.S.C. § 5306) and other Federal laws.

5 SUBCHAPTER B

6 COMMUNITY IMPROVEMENT AND RENEWAL ACTIVITIES FOR

7 YOUTH TRAINEES

8 Section 721. Youth trainee activities.

9 (a) Use of funds authorized.--Funds under this chapter may
10 be used for eligible youth who are paid wages and benefits from
11 such funds for part-time employment not in excess of 32 hours
12 per week. This part-time employment may be at a work site
13 operated by a public or private nonprofit agency or organization
14 or by an employer organized for profit but shall be provided in
15 a manner which requires and is consistent with the youth's
16 enrollment in high school, a program which leads to a
17 certificate of high school equivalency or a program of basic
18 skills, skills training or employability development, including
19 a program operated pursuant to the Family Support Act of 1988
20 (Public Law 100-485, 102 Stat. 2343). Such enrollment shall be
21 for a minimum of eight hours per week.

22 (b) Joint projects authorized.--In meeting the requirements
23 of subsection (a), funds required to be used for that purpose
24 may be used in activities which also receive funds under Federal
25 job training and vocational education programs or State or local
26 public or private education or training programs.

27 Section 722. Eligible youth.

28 (a) Exemption from unemployment duration requirements.--
29 Notwithstanding section 502(a)(2) regarding the duration of
30 unemployment, the following persons shall be eligible to

1 participate in programs described in this chapter:

2 (1) A person 16 through 19 years of age.

3 (2) A person 16 through 24 years of age who is the
4 parent of a dependent noncustodial child and who executes an
5 agreement of support and an authorization for the withholding
6 or a portion of that person's wages from such activity for
7 use in supporting the dependent child.

8 (3) A person who is currently unemployed.

9 (b) Priority.--

10 (1) In selecting participants, an administrator shall,
11 notwithstanding section 502(c), give priority to individuals
12 who are economically disadvantaged. Among such individuals,
13 eligible school dropouts shall be served on an equitable
14 basis.

15 (2) For purposes of this subsection, a school dropout
16 means an individual who is not attending any school and has
17 not received a secondary school diploma or certificate of
18 high school equivalency.

19 SUBCHAPTER C

20 STATE JOB PROGRAMS

21 § 741. Financial assistance for State job programs.

22 (a) Use of allotted funds.--Five percent of the sums under
23 section 503 shall be available for purposes of this subchapter.

24 (b) Use of funds.--The sums available under subsection (a)
25 shall be used for the employment of eligible participants under
26 this chapter for the following:

27 (1) Programs and activities authorized under Chapter 5,
28 including, but not limited to:

29 (i) State parks, forests, recreation and
30 conservation programs, including rangeland rehabilitation

1 and improvement and beach front erosion rehabilitation
2 and repair.

3 (ii) State hospitals and other institutions and
4 facilities providing health care.

5 (iii) State correctional institutions and programs,
6 including juvenile facilities.

7 (iv) State-administered social service programs,
8 including State-sponsored preschool and child care
9 programs.

10 (2) Special assistance in conjunction, as appropriate,
11 with eligible administrative entities under this chapter for
12 areas which have experienced sudden or severe economic
13 dislocations, including large-scale losses of jobs caused by
14 the closing of facilities, including defense-related
15 facilities or mass layoffs.

16 (3) Emergency aid programs to cope with natural
17 disasters, including erosion, flood, drought and storm damage
18 assistance and control activities.

19 (4) Special assistance to seasonal farmworkers and small
20 farmers in rural, agricultural areas which have experienced
21 substantial losses of jobs due to the rising number of farm
22 mortgage foreclosures and other severe economic disruption in
23 conjunction, as appropriate, with eligible administrative
24 entities under this chapter or with related programs under
25 the Job Training Partnership Act (97-300, 29 U.S.C. § 1501 et
26 seq.), or both.

27 (c) Program and activity selection and design.--

28 (1) In determining the programs and activities to
29 receive funds allotted under subsection (a), the department
30 shall give first priority to the establishment of those

1 programs and activities which will provide job sites within
2 areas in which the rate of unemployment is the highest.

3 (2) In designing projects under this section, the
4 department shall evaluate projects on the basis of the
5 severity and duration of unemployment within localities and
6 the level of need which exists for the activities and
7 services to be provided.

8 CHAPTER 9

9 EDUCATIONAL FACILITIES

10 Section 901. School facility repair and renovation projects.

11 (a) Use of funds authorized.--Funds shall be made available
12 under this act for any fiscal year to any eligible local
13 education agency in an eligible jurisdiction under section 702
14 and shall be used to carry out projects and activities, in
15 accordance with the limitation on use of funds set forth in
16 section 503, providing employment to eligible participants,
17 qualifying under section 502, in work on the repair, renovation,
18 restoration or rehabilitation of public school facilities.

19 (b) Use of quick-start projects.--To the maximum extent
20 feasible, funds made available under this chapter shall be used
21 for projects or activities on which onsite labor can begin
22 within 30 days of receipt of funds under this chapter.

23 (c) Permitted use of funds.--Funds available under this
24 chapter shall be used as follows:

25 (1) For assisting school districts in bringing their
26 public school facilities into conformity with the following:

27 (i) The Architectural Barriers Act of 1968 (Public
28 Law 90-480, 42 U.S.C. § 4151 et seq.).

29 (ii) Section 504 of the Rehabilitation Act of 1973
30 (Public Law 93-112, 29 U.S.C. § 701 et. seq.).

(iii) The Americans with Disabilities Act of 1990
(Public Law 101-336, 104 Stat. 327).

(iv) Environmental protection or health and safety
programs mandated by Federal or State law or by local
ordinance, especially for those facilities which were
constructed before such requirements were in effect.

(2) For the repair, renovation, restoration or
rehabilitation of public school facilities, including
electrical rewiring for new technology.

(3) For conversion of presently unused or underused
facilities into adult training centers or preschool education
centers, including Head Start centers under the Head Start
Act (Public Law 97-35, 42 U.S.C. § 9831 et. seq.).

(4) For remodeling or renovating structures to make them
more energy-efficient.

(5) For detecting, removing or otherwise containing lead
or asbestos in academic or other facilities used by students.

CHAPTER 11

FUNDING

SUBCHAPTER A

GENERAL PROVISIONS

Section 1101. Definitions.

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

"Agency." The Infrastructure Redevelopment Agency
established by this chapter.

"Board." The governing body of the Infrastructure
Redevelopment Agency.

"Bonds" and "notes." The bonds and notes which the

1 Infrastructure Redevelopment Agency is authorized to issue
2 pursuant to this chapter.

3 "Chapter." This chapter and the rules and regulations
4 adopted by the agency under this chapter.

5 "Federal agency." The United States of America, the
6 President or any department of the United States or any
7 corporation, agency or instrumentality, designated or
8 established by the United States.

9 SUBCHAPTER B

10 INFRASTRUCTURE REDEVELOPMENT AGENCY

11 Section 1121. Establishment.

12 A body corporate and politic to be known as the Human
13 Services Development Agency is hereby established as a public
14 corporation and government instrumentality and which shall have
15 continuing succession until its existence is terminated by law.

16 Section 1122. Composition, terms, etc.

17 (a) Appointment and composition.--The members of the agency
18 shall be the Secretary of Community and Economic Development,
19 the State Treasurer, the Secretary of Labor and Industry and the
20 Secretary of Public Welfare and the respective successors in
21 office of each of them and six additional members whom the
22 Governor shall appoint. One of the members of the agency
23 appointed by the Governor with the advice and consent of the
24 Senate shall be a representative of a community-based nonprofit
25 group which assists low-income individuals in job training and
26 related matters.

27 (b) Terms.--The members initially appointed shall serve for
28 terms of one, two, three, four, five and six years,
29 respectively, the particular term of each to be designated by
30 the Governor at the time of appointment. The terms of all their

1 successors shall be six years each, except that any person
2 appointed to fill a vacancy shall serve only for the unexpired
3 term. Every member's term shall extend until his successor is
4 appointed and qualified. Any appointment of a member of the
5 agency made hereafter shall be subject to the advice and consent
6 of a majority of all the members of the Senate. Any appointed
7 member of the agency shall be eligible for reappointment.

8 (c) Expenses.--The members of the agency shall not receive
9 compensation for their services as members, but shall receive
10 reimbursement for all reasonable and necessary expenses incurred
11 in connection with the performance of their duties as members,
12 in accordance with the rules of the Executive Board.

13 (d) Attendance.--A member who fails to attend meetings for
14 three consecutive months shall forfeit that member's seat unless
15 the chairperson of the agency, upon written request from the
16 member, finds that the member should be excused from a meeting
17 because of illness or the death of an immediate family member.

18 Section 1123. Agency governing body.

19 The governing body of the agency shall be a board consisting
20 of the members of the agency. The board shall elect a
21 chairperson from among its members at the first meeting of the
22 board and at its first meeting in each year thereafter. A
23 majority of the members shall constitute a quorum for the
24 purpose of organizing the agency, conducting its business and
25 exercising all powers of the agency. A vote of the majority of
26 the members present shall be sufficient for all actions of the
27 board, unless the bylaws require a greater number.

28 Section 1124. Powers and duties.

29 The agency shall have the following powers and duties:

30 (1) To adopt, use and alter at will a corporate seal.

1 (2) To make and alter bylaws for the management and
2 regulation of its affairs and to make, and from time to time
3 amend and repeal, rules and regulations governing the various
4 programs of the agency pursuant to this act and the conduct
5 of its business.

6 (3) To enter into contracts of all kinds and to execute
7 all instruments necessary or convenient for carrying on its
8 operations.

9 (4) To accept grants and subsidies from and to enter
10 into agreements or other transactions with any Federal agency
11 or agency of the Commonwealth or other entity.

12 (5) To accept grants-in-aid, gifts, donations, legacies
13 or usages of money made or extended by individuals,
14 organizations, public or private corporations, departments or
15 instrumentalities of the Commonwealth or the Federal
16 Government and to return money advanced for its usage not
17 otherwise required for its purposes or for any capital
18 reserve fund established.

19 (6) To be a party litigant in any court having
20 jurisdiction according to law in any form of action
21 whatsoever.

22 (7) To cooperate with and assist and receive assistance
23 from the Department of Labor and Industry and the Department
24 of Public Welfare.

25 (8) To acquire, hold and dispose of personal property,
26 tangible and intangible.

27 (9) To acquire, hold and dispose of real property, or
28 any interest therein, to be used by the agency for the
29 purpose of its offices and operations.

30 (10) To borrow money for the operation and work of the

1 agency by the making of notes and by the issuance of bonds.

2 (11) To invest any funds held in reserves or sinking
3 funds, or any funds not required for immediate disbursement,
4 in such investments as may be lawful for fiduciaries under
5 any law of this Commonwealth.

6 (12) To conduct studies of job training and related
7 matters and to enter into contracts with the Department of
8 Labor and Industry and other appropriate agencies and to do
9 all things necessary or convenient to carry out the powers
10 granted by this act or other acts.

11 (13) To employ an executive director and such other
12 officers, agents, employees, professionals, employment and
13 training advisors as may from time to time be necessary in
14 its judgment and to fix their compensation, and to promote
15 and discharge such officers, employees and agents.

16 (14) To appear in its own behalf before boards,
17 commissions, departments or other agencies of Federal, State
18 or municipal government.

19 (15) To procure insurance against any loss in connection
20 with its property in such amounts and from such insurers as
21 may be necessary or desirable.

22 (16) To do all things necessary or convenient to carry
23 out the powers granted by this act or other acts.

24 Section 1125. Agency moneys.

25 (a) General rule.--All moneys of the agency from whatever
26 source derived shall be paid to the treasurer of the agency and
27 deposited in the first instance in one or more banks or trust
28 companies, in one or more special accounts, each continuously
29 secured by pledge of direct obligations of the United States or
30 of the Commonwealth, or bonds of the agency, having an aggregate

1 market value, exclusive of accrued interest, at all times at
2 least equal to the balance on deposit in the account. The
3 security shall be either deposited with the treasurer or held by
4 a trustee or agent satisfactory to the agency. All banks and
5 trust companies are authorized to give the security required.
6 The moneys of the agency shall be paid out on the warrant or
7 other order of the treasurer of the agency or of another person
8 authorized by the agency to execute warrants or orders.

9 (b) Safekeeping of funds.--Notwithstanding the provisions of
10 this section, the agency shall have power to contract with the
11 holders of any of its bonds or notes as to the custody, security
12 and payment of any moneys of the agency or any moneys held in
13 trust or otherwise to secure the payment of bonds or notes.
14 Deposits of moneys held in trust or otherwise to secure the
15 payment of bonds or notes may be secured in the same manner as
16 moneys of the agency, and all banks and trust companies are
17 authorized to give security for such deposits.

18 SUBCHAPTER C

19 BONDS AND NOTES

20 Section 1141. Issuance of bonds and notes.

21 (a) Authority of agency.--The agency shall have the power
22 and is hereby authorized, from time to time by resolution of the
23 members and subject to the written approval by the Governor, to
24 issue its negotiable bonds, either as serial bonds maturing in
25 annual installments or as term bonds, or any combination
26 thereof, and notes in such principal amount as, in the opinion
27 of the agency, shall be necessary to provide sufficient funds
28 for achieving its corporate purposes, including the programs
29 established under this act, the payment of interest on bonds and
30 notes of the agency, establishment of reserves to secure such

1 bonds and notes and all other expenditures of the agency
2 incident to and necessary or convenient to carry out its
3 corporate purposes and powers. The agency shall have the power,
4 from time to time by resolution of the members and subject to
5 the written approval of the Governor, to issue renewal notes, to
6 issue bonds to pay notes and, whenever it deems refunding
7 expedient, to refund any bonds by the issuance of new bonds,
8 whether the bonds to be refunded have or have not matured, and
9 to issue bonds partly to refund bonds then outstanding and
10 partly for any other purpose. The refunding bonds shall be sold
11 and the proceeds applied to the purchase, redemption or payment
12 of the bonds to be refunded. The agency shall not have the power
13 to issue bond anticipation notes, provided, however, that
14 renewal bond anticipation notes may be issued for the sole
15 purpose of redeeming any issue or portion of any issue of bond
16 anticipation notes issued by the agency which have not been
17 retired through the sale of bonds.

18 (b) Provision of notes and bonds.--The notes and bonds of
19 the agency shall bear the date or dates and shall mature at the
20 time or times, in the case of any note, or any renewals thereof,
21 not exceeding five years from the date of issue of the original
22 note, and in the case of any bond, not exceeding 50 years from
23 the date of issue, as such resolution or resolutions may
24 provide. The notes and bonds shall bear interest at such rate or
25 rates, be in such denominations, be in such form, either coupon
26 or registered, carry such registration privileges, contain such
27 terms and provisions relating to, but not limited to, pledges of
28 the agency's assets, setting aside of reserves, limitations on
29 additional notes and bonds and such other matters as may affect
30 the security or protection of the notes and bonds, be executed

1 in such manner, be payable in such medium of payment, at such
2 place or places and be subject to such terms of redemption as
3 such resolution or resolutions may provide. The notes and bonds
4 of the agency may be sold at public or private sale at the price
5 or prices as the agency determines.

6 (c) Nonliability.--Neither the members of the agency nor any
7 person executing the notes or bonds shall be liable personally
8 on the notes or bonds or be subject to any personal liability or
9 accountability by reason of the issuance thereof.

10 (d) Redemption.--The agency, subject to such agreement with
11 noteholders or bondholders as may then exist, shall have power
12 out of any funds available therefor to purchase its notes or
13 bonds, which shall thereupon be canceled, at a price not
14 exceeding:

15 (1) if the notes or bonds are then redeemable, the
16 redemption price then applicable plus accrued interest to the
17 next interest payment date thereupon; or

18 (2) if the notes or bonds are not then redeemable, the
19 redemption price applicable on the first date after such
20 purchase upon which the notes or bonds become subject to
21 redemption plus accrued interest to such date.

22 Section 1142. Credit of Commonwealth or any subdivision not
23 pledged.

24 Except as may otherwise be expressly provided by the agency,
25 its bonds and notes shall be general obligations of the agency
26 payable out of any moneys or revenues of the agency, including
27 the proceeds of loans made under this act, reserve funds
28 established therefor by the agency and other lawfully available
29 money, subject only to any agreements with holders of the bonds
30 or notes pledging any receipts or revenues. Bonds and notes

1 issued under this act shall not be deemed to constitute a debt
2 of the Commonwealth or of any political subdivision or a pledge
3 of the faith and credit of the Commonwealth or of any such
4 political subdivision. All bonds and notes shall contain on the
5 face a statement to the effect that neither the agency nor the
6 Commonwealth nor any political subdivision shall be obligated to
7 pay the same or the interest thereon except from such proceeds
8 or reserve fund and that neither the faith and credit nor the
9 taxing power of the Commonwealth or any political subdivision is
10 pledged to the payment of the principal of or the interest on
11 such bonds.

12 Section 1143. Funds and accounts.

13 The agency shall create such funds and accounts as may be
14 necessary or desirable for its corporate purposes and shall pay
15 into each such fund or account any moneys appropriated and made
16 available by the Commonwealth for the purposes of such fund or
17 account. Nothing contained in this section shall be construed as
18 prohibiting the agency from creating within any fund one or more
19 accounts which may be used or pledged by the agency for a
20 specific purpose.

21 Section 1144. Reserve funds and appropriations.

22 (a) Establishment.--The agency may establish one or more
23 special funds, referred to as capital reserve funds, and shall
24 pay into each capital reserve fund any moneys appropriated and
25 made available by the Commonwealth for the purpose of such fund,
26 any proceeds of sale of notes or bonds to the extent provided in
27 the resolution or resolutions of the agency authorizing the
28 issuance thereof and any other moneys which may be available to
29 the agency for the purpose of the fund from any other source or
30 sources. All moneys held in any capital reserve fund, except as

1 provided in this act shall be used, as required, solely for the
2 payment of the principal of bonds secured, in whole or in part,
3 by such fund or of the sinking fund payments with respect to
4 such bonds, the purchase or redemption of the bonds, the payment
5 of interest on the bonds or the payment of any redemption
6 premium required to be paid when the bonds are redeemed prior to
7 maturity. Moneys in any fund shall not be withdrawn at any time
8 in an amount as would reduce the amount of the fund to less than
9 the minimum capital reserve fund requirement established for the
10 fund, as provided in this act, except for the purpose of making,
11 with respect to bonds secured, in whole or in part, by such
12 fund, payment when due of principal, interest, redemption
13 premiums and the sinking fund payments with respect to such
14 bonds for the payment of which other moneys of the agency are
15 not available. Any income or interest earned by, or increments
16 to, any capital reserve fund due to the investment thereof may
17 be transferred by the agency to other funds or accounts of the
18 agency to the extent it does not reduce the amount of that
19 capital reserve fund below the minimum capital reserve fund
20 requirement for the fund.

21 (b) Minimum capital reserves.--The agency shall not at any
22 time issue bonds secured, in whole or in part, by a capital
23 reserve fund, if, upon the issuance of such bonds, the amount in
24 the capital reserve fund will be less than the minimum capital
25 reserve fund requirement for the fund, unless the agency at the
26 time of issuance of such bonds shall deposit in the fund from
27 the proceeds of the bonds to be issued, or from other sources,
28 an amount which, together with the amount then in the fund, will
29 not be less than the minimum capital reserve fund requirement
30 for the fund. For the purposes of this section, the term

1 "minimum capital reserve fund requirement" means, as of any
2 particular date of computation, an amount of money, as provided
3 in the resolution or resolutions of the agency authorizing the
4 bonds with respect to which the fund is established. In no
5 event, however, shall the capital reserve fund requirement
6 exceed an amount equal to not more than the greatest of the
7 respective amounts, for the current or any future fiscal year of
8 the agency, of annual debt service on the bonds of the agency
9 secured, in whole or in part, by the fund such annual debt
10 service for any fiscal year being the amount of money equal to
11 the aggregate of all interest and principal payable on the bonds
12 during the fiscal year, calculated on the assumption that all
13 the bonds are paid at maturity or, if any amount of the bonds is
14 required to be redeemed on any earlier date by operation of a
15 sinking fund, then on the assumption that such amount of bonds
16 is redeemed on such earlier date and that such amount is
17 considered principal payable on the bonds during the year they
18 are to be redeemed for purposes of this calculation.

19 (c) Statement of obligations.--To assure the continued
20 operation and solvency of the agency, for the carrying out of
21 its corporate purposes, provision is made in subsection (a) for
22 the accumulation in each capital reserve fund of an amount equal
23 to the minimum capital reserve fund requirement for the fund. In
24 order further to assure the maintenance of such capital reserve
25 funds, the agency, at least 30 days before the beginning of each
26 legislative session, shall submit to the Governor and the
27 General Assembly a written statement of the obligations of the
28 agency falling due within the succeeding 12-month period and of
29 the manner in which the agency anticipates providing for these
30 obligations by way of payment, extension, renewal or otherwise

1 and an estimate of the funds, if any, expected to be necessary
2 during the following year to restore to each capital reserve
3 fund any deficiencies in the minimum capital reserve fund
4 requirement for the fund or otherwise to avoid default in the
5 payment of interest or principal upon bonds or notes issued by
6 the agency, or in sinking fund payments required to be made; and
7 the Governor shall cause the amount of such moneys, if any, to
8 be placed in the budget of the Commonwealth for the next
9 succeeding fiscal year, so that the General Assembly is able to
10 provide appropriations sufficient to restore any deficiencies or
11 otherwise to avoid any default. These appropriations, if any,
12 shall be repaid to the Commonwealth as soon as possible by the
13 agency from moneys of the agency in excess of the amount
14 required to make and keep the agency self-supporting.

15 (d) Valuation of securities.--In computing the amount of any
16 capital reserve fund for the purposes of this section,
17 securities in which all or a portion of such fund are invested
18 shall be valued at par if purchased at par or, if purchased at
19 other than par, at amortized value, which, when used with
20 respect to securities purchased at a premium above or a discount
21 below par, shall mean the value as of any given date obtained by
22 dividing the total amount of the premium or discount at which
23 such securities were purchased by the number of days remaining
24 to maturity on such securities at the time of such purchase and
25 by multiplying the amount so calculated by the number of days
26 having passed since the date of that purchase and either, in the
27 case of securities purchased at a premium, by deducting the
28 product thus obtained from the purchase price or, in the case of
29 securities purchased at a discount, by adding the product thus
30 obtained to the purchase price.

1 Section 1145. Trust agreement.

2 In the discretion of the agency, bonds and notes issued by it
3 shall be secured by a trust agreement by and between the agency
4 and a trustee, which may be any trust company or bank within
5 this Commonwealth having the powers of a trust company. Either
6 the resolution providing for the issuance of bonds and notes or
7 trust agreement may contain provisions for protecting and
8 enforcing the rights and remedies of the bondholders as may be
9 reasonable and proper and not in violation of law, including
10 covenants setting forth the duties of the agency in relation to
11 the custody, safeguarding and application of all moneys.

12 Section 1146. Depository.

13 It shall be lawful for any bank or trust company incorporated
14 under the laws of this Commonwealth to act as depository of the
15 proceeds of bonds and notes or of revenues and to furnish such
16 indemnifying bonds or to pledge such securities as may be
17 required by the agency. This trust agreement may set forth the
18 rights and remedies of the bondholders and noteholders and of
19 the trustee and may restrict the individual right of action by
20 bondholders and noteholders. In addition to the foregoing, the
21 trust agreement may contain other provisions as the agency may
22 deem reasonable and proper for the security of the bondholders
23 and noteholders. All expenses incurred in carrying out the
24 provisions of the trust agreement may be treated as a part of
25 the cost of the operation of the agency.

26 Section 1147. Bonds and notes tax exempt.

27 The establishment of the agency is in all respects for the
28 benefit of the people of this Commonwealth and for the
29 improvement of their health, safety, welfare, comfort and
30 security, and its purposes are public purposes. The agency shall

1 perform an essential governmental function. The Commonwealth
2 covenants with the purchasers and all subsequent holders and
3 transferees of the notes and bonds issued by the agency, in
4 consideration of the acceptance of any payment for the notes and
5 bonds, that the notes and bonds of the agency issued pursuant to
6 this act and the income therefrom, the income and revenues of
7 the agency and the agency and its property shall at all times be
8 free from taxation or assessment of every kind and nature except
9 for inheritance, estate, gift and transfer taxes.

10 Section 1148. Notes and bonds as legal investments.

11 The notes and bonds of the agency are securities in which all
12 public officers and bodies of the Commonwealth and all
13 municipalities and municipal subdivisions, all insurance
14 companies and associations and other persons carrying on an
15 insurance business; all banks, trust companies, savings banks
16 and savings associations, saving and loan associations,
17 investment companies; all administrators, guardians, executors,
18 trustees and other fiduciaries and all other persons whatsoever
19 who are or may be authorized to invest in bonds or other
20 obligations of the Commonwealth may properly and legally invest
21 funds, including capital, in their control or belonging to them.

22 Section 1149. Covenant by Commonwealth not to limit or alter
23 powers vested in agency.

24 The Commonwealth of Pennsylvania pledges, covenants and
25 agrees with the holders of any bonds, bond anticipation notes or
26 other obligations issued under the authority of this act that
27 the Commonwealth will not limit or alter the rights or powers
28 vested in the agency to perform and fulfill the terms of any
29 agreement made with the holders of such bonds, bond anticipation
30 notes or other obligations or in any way impair the rights or

1 remedies of such holders until such bond, bond anticipation
2 notes and other obligations, together with interest thereon,
3 with interest on any unpaid installments of interest, and all
4 costs and expenses in connection with any action or proceedings
5 by or in behalf of such holders, are fully met and discharged or
6 provided for. The agency may include this pledge and agreement
7 of the Commonwealth in any agreement with the holders of bonds,
8 bond anticipation notes and other obligations issued by the
9 agency.

10 Section 1150. Allocation for Commonwealth revenue.

11 (a) Amount.--For the purpose of maintaining the capital
12 reserves required by this chapter, there is hereby allocated and
13 appropriated to the Infrastructure Redevelopment Agency that
14 amount of Commonwealth revenue equal to 0.05% of the revenue
15 collected, on a fiscal year basis, under Article III of the act
16 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
17 1971.

18 (b) Fiscal periods.--The allocation under subsection (a)
19 shall be made for the following fiscal periods:

20 (1) July 1, 1999, to June 30, 2000.

21 (2) July 1, 2000, to June 30, 2001.

22 (3) July 1, 2001, to June 30, 2002.

23 CHAPTER 15

24 MISCELLANEOUS PROVISIONS

25 Section 1501. General requirements.

26 (a) Discrimination prohibited.--

27 (1) No person shall be excluded from participation in,
28 denied the benefits of, subjected to discrimination under or
29 denied employment in the administration of or in connection
30 with any program under this act because of race, color,

1 religion, sex, national origin, age, handicap or political
2 affiliation or belief.

3 (2) With respect to terms and conditions affecting or
4 rights provided to individuals who are participants in
5 activities supported by funds provided under this act, such
6 individuals shall not be discriminated against solely because
7 of their status as participants under this act.

8 (b) Use of funds for supplementary activities.--Funds
9 provided under this act shall only be used for activities which
10 are in addition to those which would otherwise be available in
11 the absence of such funds.

12 (c) Substitution for government programs prohibited.--No
13 funds made available under this act for subsidized employment
14 may be provided to a private organization, institution or
15 contractor to conduct any activities customarily performed by
16 State employees or by employees of a political subdivision in
17 the area served by the program.

18 (d) Services to residents.--Only individuals residing in the
19 area of an eligible jurisdiction under this act may participate
20 in activities funded under this act, except that a recipient may
21 permit participation by homeless individuals who cannot prove
22 residence within the eligible jurisdiction.

23 (e) Hiring of voluntarily terminated workers prohibited.--No
24 individual shall be eligible to be employed in a position
25 subsidized under this act if that individual has, within the
26 preceding six months, voluntarily terminated, without good
27 cause, his or her last previous full-time employment at a wage
28 rate equal to or exceeding the Federal minimum wage as
29 prescribed under section 6(a)(1) of the Fair Labor Standards Act
30 of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.), unless the

1 individual has moved to follow a spouse.

2 (f) Wage rates.--

3 (1) An individual in employment subsidized under this
4 act shall be paid wages which shall not be less than the
5 highest of the following:

6 (i) The minimum wage under section 6(a)(1) of the
7 Fair Labor Standards Act of 1938, (52 Stat. 1060, 29
8 U.S.C. § 201 et seq.).

9 (ii) The minimum wage under the act of January 17,
10 1968 (P.L.11, No.5), known as The Minimum Wage Act of
11 1968.

12 (iii) The prevailing wage provided for under the act
13 of August 15, 1961 (P.L.987, No.442), known as the
14 Pennsylvania Prevailing Wage Act.

15 (2) The average weekly portion of the wages which may be
16 paid to participants from funds made available under this act
17 for any fiscal year shall not exceed the amount determined
18 and published annually by the department before the beginning
19 of that fiscal year. This amount shall be equal to the State
20 Average Weekly Wage, or multiplied by 75% and rounded up to
21 the nearest \$10.

22 (3) Participants employed under this act may have their
23 wages supplemented by the payment of additional wages for
24 such employment from sources other than this act.

25 (4) Participants employed under this act shall be
26 allowed sufficient time off from work activities to
27 participate effectively in job search activities.

28 (5) Funds under this act may be used to employ
29 individuals in part-time, flexible-time and work-sharing
30 employment customarily offered by the employer, if the

1 individuals receive benefits customarily provided with
2 respect to such employment by the same employer.

3 (6) Work records.--Programs under this act shall
4 maintain an individual work record for each participant, to
5 be provided to each participant at the end of his or her
6 participation, which shall contain the following:

7 (i) A documentary history of the experience and
8 skills acquired by such participant.

9 (ii) A list of the major work tasks completed by
10 each participant.

11 (h) Expenditure schedule.--Any funds appropriated to carry
12 out this act which are allotted for any fiscal year shall be
13 available for expenditure by the recipient during a period of
14 one year from the date of payment to the recipient. No part of
15 any allotment shall be revoked or canceled as long as the funds
16 so allotted are expended by the recipient within the one-year
17 period. If any funds are not expended, the department shall
18 reallocate an amount equal to the unexpended funds among other
19 eligible recipients in accordance with this act.

20 (i) Program abuse regulations.--Regulations shall be
21 promulgated by the department for the purpose of assuring
22 against program abuses, including, but not limited to:

23 (1) Nepotism and conflicts-of-interest.

24 (2) The charging of fees in connection with
25 participation in the program; excessive or unreasonable legal
26 fees.

27 (3) The improper commingling of funds under this act
28 with funds received from other sources.

29 (4) The failure to keep and maintain sufficient,
30 auditable or otherwise adequate records.

- 1 (5) Kickbacks.
- 2 (6) Political patronage.
- 3 (7) Violations of applicable child labor laws.
- 4 (8) The use of funds for lobbying Federal, State or
- 5 local legislators.
- 6 (9) The use of funds for activities which are not
- 7 directly related to the proper operation of the program.

8 Section 1502. Labor standards.

9 (a) Conditions and benefits.--

10 (1) Conditions of employment and training shall be
11 appropriate and reasonable in light of such factors as the
12 type of work, geographical region and proficiency of the
13 participant.

14 (2) The regulations, relating to health and safety and
15 workers' compensation, implementing paragraphs (2) and (3) of
16 section 143(a) of the Job Training Partnership Act (Public
17 Law 97-300, 29 U.S.C. 1553(a)) issued on March 15, 1983,
18 shall apply to participants under this act.

19 (3) All individuals while employed in subsidized jobs
20 under this act shall be provided benefits and working
21 conditions at the same level and to the same extent as other
22 employees doing the same type of work.

23 (4) No funds available under this act may be used for
24 contributions on behalf of any participant to retirement
25 systems or plans. Nothing in this subsection shall relieve
26 either a participant or a program from requirements of the
27 Social Security Act (49 Stat. 620, 42 U.S.C. § 301, et seq.).

28 (b) Protection of existing workers.--

29 (1) No currently employed worker shall be displaced by
30 any participant, including partial displacement such as a

1 reduction in the hours of nonovertime work, wages or
2 employment benefits.

3 (2) No program shall impair existing contracts for
4 services or collective bargaining agreements, except that no
5 program under this act which would be inconsistent with the
6 terms of a collective bargaining agreement shall be
7 undertaken without written concurrence of the labor
8 organization and employer concerned.

9 (3) No participant whose wages are subsidized under this
10 act shall be employed or job opening filled when any other
11 individual is on layoff from the same or substantially
12 equivalent job. No participant whose wages are subsidized
13 under this act shall be employed or job opening filled when,
14 after the enactment of this act, the employer terminates the
15 employment of any regular unsubsidized employee in the same
16 or any substantially equivalent job or otherwise reduces the
17 number of regular unsubsidized employees in such jobs.

18 (4) No jobs shall be created in a promotional line that
19 will infringe in any way upon the promotional opportunities
20 of currently employed individuals.

21 (c) Compliance reports.--

22 (1) Each quarterly report submitted pursuant to section
23 923(c) or 943(c) shall be transmitted by the recipient to any
24 labor organization representing government or private
25 employees who are engaged in similar work to that performed
26 by employees whose wages are subsidized under this act.

27 (2) Each quarterly report submitted pursuant to section
28 923(c) or 943(c) which is subject to the requirements of
29 paragraph (3) shall, with respect to each government
30 department in which subsidized employment is provided under

1 this act, set forth:

2 (i) The number of all regular employees of the
3 department:

4 (A) during the quarter to which such report
5 applies; and

6 (B) during the quarter preceding the enactment
7 of this act.

8 (ii) The number of employees subsidized under this
9 act in such department during each quarter.

10 (3) If, for two succeeding calendar quarters, there has
11 been an average decline of 5% or more in the number of
12 unsubsidized employees in any department as compared to the
13 number for the quarter described in paragraph (2)(i)(B), the
14 report shall include a statement identifying the jobs which
15 have been reduced and setting forth any reasons that such
16 reduction does not result from a failure to comply with
17 subsection (b).

18 (4) Any such report which is required to contain such a
19 statement shall be subject to review in accordance with
20 subsection (d).

21 (d) Complaint procedure.--

22 (1) Whenever any employee or labor organization
23 representing employees of a government agency employing
24 subsidized employees under this act submits to the department
25 a complaint alleging that subsection (a) or (b) or section
26 1501 has been violated, a copy of the complaint shall be
27 transmitted at the same time that government agency to review
28 the complaint and to submit a reply to the department within
29 15 days after receiving a copy of the complaint.

30 (2) If, after investigation by the department, the

1 matter cannot be concluded, or upon the insistence of any
2 party to the matter, the department shall schedule a hearing
3 upon the matter in the manner provided in 2 Pa.C.S. (relating
4 to Administrative Law and Procedure). Decisions of the
5 department and appeals therefrom shall be taken under 2
6 Pa.C.S.

7 (3) The department shall institute proceedings under
8 section 1503(b) for the repayment of funds determined to have
9 been expended in violation of subsection (a) or (b) or
10 section 1501.

11 (e) Labor organization.--

12 (1) Each recipient of funds under this act shall provide
13 to the department assurances that none of the funds shall be
14 used to assist, promote or deter union organizing.

15 (2) Where a labor organization represents a substantial
16 number of employees who are engaged in similar work or
17 training in the same area as that proposed to be funded under
18 this act, an opportunity shall be provided for the
19 organization to submit with respect to such proposal.

20 Section 1503. Fiscal controls and sanctions.

21 (a) Review.--

22 (1) The State Treasurer shall, on a selective basis,
23 evaluate the expenditures by the recipients under this act in
24 order to assure that expenditures are consistent with this
25 act and to determine the effectiveness of each recipient in
26 accomplishing the purposes of this act. The State Treasurer
27 shall conduct the evaluations whenever necessary and shall at
28 least annually report to the General Assembly on the findings
29 of the evaluations.

30 (2) For the purpose of evaluating and reviewing programs

1 established or provided for by this act, the State Treasurer
2 shall have access to and the right to copy any books,
3 accounts, records, correspondence or other documents
4 pertinent to such programs that are in the possession,
5 custody or control of any recipient of funds under this act,
6 or any contractor or subcontractor of those recipients.

7 (b) Repayment required.--Every recipient shall repay to the
8 Commonwealth those amounts found not to have been expended in
9 accordance with this act. The department may offset these
10 amounts against any other amount in which the recipient is or
11 may be entitled under this act unless it determines that the
12 recipient should be held liable under subsection (c). No action
13 shall be taken except after notice and opportunity for a hearing
14 have been given to the recipient under 2 Pa.C.S. (relating to
15 administrative law and procedure).

16 (c) Procedure for repayment.--

17 (1) Each recipient shall be liable to repay such
18 amounts, from funds other than funds received under this act,
19 upon a determination that the misexpenditure of funds was due
20 to willful disregard of the requirements of this act, gross
21 negligence or failure to observe accepted standards of
22 administration. No such finding shall be made except after
23 notice and opportunity for a hearing under 2 Pa.C.S.

24 (2) In determining whether to impose any sanction
25 authorized by this section against a recipient for violations
26 by a subcontractor of a recipient under this act, the
27 department shall first determine whether the recipient has
28 adequately demonstrated that it has:

29 (i) Established and adhered to an appropriate system
30 for the award and monitoring of contracts with

1 subcontractors which contains acceptable standards for
2 ensuring accountability.

3 (ii) Entered into a written contract with the
4 subcontractor which establishes clear goals and
5 obligations in unambiguous terms.

6 (iii) Acted with due diligence to monitor the
7 implementation of the contract, including the carrying
8 out of the appropriate monitoring activities, including
9 audits, at reasonable intervals.

10 (iv) Taken prompt and appropriate corrective action
11 upon becoming aware of any evidence of a violation of
12 this act by such subcontractor.

13 (3) If the department determines that the recipient has
14 demonstrated substantial compliance with the requirements of
15 paragraph (2), the department may waive the imposition of
16 sanctions authorized by this section upon such recipient. The
17 department is authorized to impose any sanction consistent
18 with the provisions of this act and of any applicable law
19 directly against any subcontractor for violation of this act.

20 (d) Emergency actions.--In emergencies, if the department
21 determines it is necessary to protect the integrity of the funds
22 or ensure the proper operation of the program, it may
23 immediately terminate or suspend financial assistance, in whole
24 or in part, if the recipient is given prompt notice and the
25 opportunity for a subsequent hearing within 30 days after the
26 termination or suspension.

27 (e) Discrimination remedies.--If the department determines
28 that any recipient under this act has discharged or in any other
29 manner discriminated against a participant or against any
30 individual in connection with the administration of the program

1 involved, or against any individual because that individual has
2 filed any complaint or instituted or caused to be instituted any
3 proceeding under or related to this act, or has testified or is
4 about to testify in any such proceeding or investigation under
5 or related to this act, or otherwise unlawfully denied to any
6 individual a benefit to which that individual is entitled under
7 the provisions of this act, the department shall, within 30
8 days, take action or order corrective measures, as necessary,
9 with respect to the recipient or the aggrieved individual, or
10 both.

11 (f) Additional remedies.--The remedies under this section
12 shall not be construed to be exclusive remedies.

13 (g) Recordkeeping.--Recipients shall keep records that are
14 sufficient to permit the preparation of reports required by this
15 act and to permit the tracing of funds to a level of expenditure
16 adequate to insure that the funds have not been spent
17 unlawfully.

18 (h) Investigations.--

19 (1) In order to insure compliance with the provisions of
20 this act, the department may conduct investigations of the
21 use of funds received under this act by any recipient.

22 (2) In conducting any investigation under this act, the
23 department may not request the compilation of any new
24 information not readily available to such recipient.

25 Section 1504. Judicial review.

26 An aggrieved party may appeal a decision of the department in
27 the manner provided in 2 Pa.C.S. (relating to administrative law
28 and procedure).

29 Section 1505. Effective date.

30 This act shall take effect in 60 days.