

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1674 Session of
2017

INTRODUCED BY RABB, TOOHIL, STURLA, SOLOMON, DAVIS, VAZQUEZ,
DEAN, FRANKEL, DAVIDSON, V. BROWN, DONATUCCI, ROZZI,
SCHLOSSBERG, NEILSON, D. COSTA, SCHWEYER, DRISCOLL AND
ROEBUCK, JULY 21, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JULY 21, 2017

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 the settlement, assessment, collection, and
4 lien of taxes, bonus, and all other accounts due the
5 Commonwealth, the collection and recovery of fees and other
6 money or property due or belonging to the Commonwealth, or
7 any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," in additional special funds, establishing the
31 First Chance Trust Fund.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Article XVII-A.1 of the act of April 9, 1929
4 (P.L.343, No.176), known as The Fiscal Code, is amended by
5 adding a subarticle to read:

6 SUBARTICLE F

7 FIRST CHANCE TRUST FUND

8 Section 1751-A.1. Definitions.

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

12 "Annual contract amount." The amount of revenue paid to a
13 contractor in the fiscal year.

14 "Child." A child under 18 years of age who resides in this
15 Commonwealth.

16 "Commission." The Pennsylvania Commission on Crime and
17 Delinquency.

18 "Commonwealth agency." An executive agency, an independent
19 agency or a State-affiliated entity.

20 "Department." The Department of Corrections of the
21 Commonwealth.

22 "Fund." The First Chance Trust Fund established under
23 section 1752-A.1.

24 "Program." An evidence-based or outcome-based program for
25 individuals who meet the eligibility requirements determined by
26 the commission, aimed at reducing risk factors and producing
27 positive outcomes, which may include mentoring, individual
28 counseling and therapeutic services, family-strengthening
29 activities and case management to support coordination of
30 services.

1 "Scholarship program." A program which assists students in
2 obtaining education or other vocational training who meet all of
3 the following criteria:

4 (1) The individuals reside within this Commonwealth and
5 attend an accredited, nonprofit educational or vocational
6 training institution located in this Commonwealth which is a
7 public community college, a State-owned university or State-
8 related university or materially affiliated with a public
9 community college, a State-owned university or State-related
10 university.

11 (2) The individuals are not the spouses, siblings,
12 parents or children of current or former elected officials or
13 employees of the department or commission.

14 (3) The individuals meet other eligibility requirements
15 as determined by the commission in accordance with this
16 subarticle.

17 Section 1752-A.1. First Chance Trust Fund.

18 The First Chance Trust Fund is established as a restricted
19 account in the General Fund.

20 Section 1753-A.1. Use of fund.

21 (a) Source of revenue.--The fund shall include revenues from
22 the following:

23 (1) Contributions from selected contractors of
24 designated contracts as specified under section 1754-A.1.

25 (2) Grants, gifts, donations and other payments from an
26 individual, a person, a business entity, a nonprofit entity
27 or a government entity.

28 (3) Money appropriated into the fund.

29 (b) Appropriation.--Money in the fund is appropriated to the
30 commission on a continuing basis for purposes set forth under

1 subsection (c).

2 (c) Authorization.--The commission may allocate revenues
3 from the fund for the following purposes:

4 (1) Establishing and operating a scholarship program for
5 individuals residing in those regions of this Commonwealth
6 which have statistically higher high school dropout rates or
7 incarceration rates as determined by the commission.

8 (2) Providing grants to programs offered by nonprofit
9 organizations in this Commonwealth in good standing that
10 benefit individuals residing in areas of this Commonwealth
11 which have statistically higher high school dropout, poverty
12 or incarceration rates as determined by the commission.

13 (d) Contributions.--The commission may solicit and accept
14 gifts, donations, legacies and other revenues for deposit into
15 the fund from a person or government entity.

16 (e) Operation.--The following apply:

17 (1) The commission shall adopt a statement of policy for
18 the maintenance and use of the fund within 60 days of the
19 effective date of this section, including a provision
20 ensuring that the commission select scholarship recipients
21 and grantees based on independent and blind evaluations. The
22 policy shall be published as a notice in the Pennsylvania
23 Bulletin, but shall not be subject to review under any of the
24 following:

25 (i) Section 205 of the act of July 31, 1968
26 (P.L.769, No.240), referred to as the Commonwealth
27 Documents Law.

28 (ii) Sections 204(b) and 301(10) of the act of
29 October 15, 1980 (P.L.950, No.164), known as the
30 Commonwealth Attorneys Act.

1 (iii) The act of June 25, 1982 (P.L.633, No.181),
2 known as the Regulatory Review Act.

3 (2) No payment shall be made from the fund before the
4 statement of policy has been published as provided for under
5 this subsection.

6 (f) Report.--By July 31, 2018, and no later than October 1
7 in each successive year, the commission shall convene a public
8 hearing and at such time submit a report to the chairperson and
9 minority chairperson of the Appropriations Committee and the
10 chairperson and minority chairperson of the Judiciary Committee
11 of the Senate and the chairperson and minority chairperson of
12 the Appropriations Committee and the chairperson and minority
13 chairperson of the Judiciary Committee of the House of
14 Representatives. The report shall specify all of the following:

15 (1) The fund's revenues and expenditures in the prior
16 fiscal year.

17 (2) The number of academic scholarships awarded and the
18 gender, age, zip code, school district and county of
19 residence of the recipients of academic scholarships.

20 (3) The number of grants awarded and the gender, age,
21 zip code, school district and county of residence of the
22 grantees.

23 (g) Audit.--The Auditor General shall conduct an audit of
24 the fund's revenues and expenditures no later than three years
25 after the effective date of this section. The Auditor General
26 shall conduct subsequent audits of the fund's revenues and
27 expenditures no more than once every three years from the date
28 of the preceding audit. The Auditor General shall submit a
29 report of each audit to the Governor and the chairperson and
30 minority chairperson of the Appropriations Committee of the

Senate and the chairperson and minority chairperson of the
Appropriations Committee of the House of Representatives.
Section 1754-A.1. Contributions to the fund.

(a) Department procurement.--The following apply:

(1) Within six months of the effective date of this
section, the department shall include a requirement in a
notice for invitations for bids under 62 Pa.C.S. § 512
(relating to competitive sealed bidding), a notice of request
for proposals under 62 Pa.C.S. § 513 (relating to competitive
sealed proposals) and a notice for sole source procurement
under 62 Pa.C.S. § 515 (relating to sole source procurement),
if the contract dollar threshold is expected to exceed
\$5,000,000 annually, that the selected contractor contribute
the equivalent value of 1% of the annual contract amount to
the fund no later than June 30 of any fiscal year when the
contract is in effect. The department may withhold the
equivalent of 1% of the annual contract amount and remit the
money to the fund on behalf of the selected contractor in
order to effectuate the contribution.

(2) Upon prior approval by the Secretary of Corrections,
the department may waive the contribution requirement under
paragraph (1). The department shall submit a notice of a
waiver granted under this paragraph to the commission within
15 days of granting the waiver. The notice of the waiver
shall be published on the publicly accessible Internet
website of the department and the commission.

(b) Commonwealth agency procurement.--Within six months of
the effective date of this section, a Commonwealth agency may
include a requirement in a notice for invitations for bids under
62 Pa.C.S. § 512, a notice of request for proposals under 62

1 Pa.C.S. § 513 and a notice for sole source procurement under 62
2 Pa.C.S. § 515, if the contract dollar threshold is expected to
3 exceed \$5,000,000 annually, that the selected contractor
4 contribute the equivalent value of 1% of the annual contract
5 amount to the fund no later than June 30 of any fiscal year when
6 the contract is in effect. The Commonwealth agency may withhold
7 payment equivalent of 1% of the annual contract amount and remit
8 the payment to the fund on behalf of the selected contractor in
9 order to effectuate the contribution.

10 (c) Use.--Contributions under subsections (a) and (b) shall
11 be deposited into the fund and shall only be used for the
12 purposes set forth in section 1753-A.1(c).

13 (d) Deposits.--Within 15 days of the last day of each month,
14 the commission and the Office of the Budget, in consultation
15 with the State Treasurer, shall compute the total amount of
16 revenue from all sources received by the Commonwealth during the
17 immediately preceding month which shall be deposited into the
18 fund by the State Treasurer in accordance with this subarticle.

19 Section 2. This act shall take effect in 30 days.