

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 790 Session of 2017

INTRODUCED BY HUGHES, BROWNE, COSTA, ALLOWAY, GREENLEAF AND
RESCHENTHALER, JULY 6, 2017

REFERRED TO JUDICIARY, JULY 6, 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.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

4 SUBARTICLE F

5 FIRST CHANCE TRUST FUND

6 Section 1751-A.1. Definitions.

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

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

12 "Child." A child under 18 years of age who resides in this
13 Commonwealth.

14 "Commission." The Pennsylvania Commission on Crime and
15 Delinquency.

16 "Commonwealth agency." An executive agency, an independent
17 agency or a State-affiliated entity.

18 "Department." The Department of Corrections of the
19 Commonwealth.

20 "Fund." The First Chance Trust Fund established under
21 section 1752-A.1.

22 "Program." An evidence-based or outcome-based program for
23 children who meet the eligibility requirements determined by the
24 commission, aimed at reducing risk factors and producing
25 positive outcomes, which may include mentoring, individual
26 counseling and therapeutic services and family-strengthening
27 activities.

28 "Scholarship program." A program which assists students in
29 obtaining education or other vocational training who meet all of
30 the following criteria:

1 (1) The students reside within this Commonwealth and
2 attend an educational or vocational training institution
3 located in this Commonwealth.

4 (2) The students are 24 years of age or younger.

5 (3) The students meet other eligibility requirements as
6 determined by the commission in accordance with this
7 subarticle.

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

9 The First Chance Trust Fund is established as a restricted
10 account in the General Fund.

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

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

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

16 (2) Grants, gifts, donations and other payments from an
17 individual, a person, a business entity, a nonprofit entity
18 or a government entity.

19 (3) Money appropriated into the fund.

20 (b) Appropriation.--Money in the fund is appropriated to the
21 commission on a continuing basis for purposes set forth under
22 subsection (c).

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

25 (1) Establishing and operating a scholarship program for
26 students in those regions of this Commonwealth which have
27 statistically higher high school dropout rates or
28 incarceration rates as determined by the commission.

29 (2) Providing grants to programs that benefit younger
30 individuals in those regions of this Commonwealth which have

1 statistically higher high school dropout rates or
2 incarceration rates as determined by the commission.

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

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

7 (1) The commission shall adopt a statement of policy for
8 the maintenance and use of the fund within 60 days of the
9 effective date of this section. The policy shall be published
10 as a notice in the Pennsylvania Bulletin, but shall not be
11 subject to review under any of the following:

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

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

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

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

23 (f) Report.--By July 31, 2018, and every year thereafter,
24 the commission shall submit a report to the chairperson and
25 minority chairperson of the Appropriations Committee and the
26 chairperson and minority chairperson of the Judiciary Committee
27 of the Senate and the chairperson and minority chairperson of
28 the Appropriations Committee and the chairperson and minority
29 chairperson of the Judiciary Committee of the House of
30 Representatives. The report shall specify all of the following:

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

3 (2) The number of academic scholarships awarded and the
4 name and the county of residence of the recipients of
5 academic scholarships.

6 (3) The number of grants awarded and the name and county
7 of residence of the grantees.

8 (g) Audit.--The Auditor General shall conduct an audit of
9 the fund's revenues and expenditures no later than three years
10 after the effective date of this section. The Auditor General
11 shall conduct subsequent audits of the fund's revenues and
12 expenditures no more than once every three years from the date
13 of the preceding audit. The Auditor General shall submit a
14 report of each audit to the Governor and the chairperson and
15 minority chairperson of the Appropriations Committee of the
16 Senate and the chairperson and minority chairperson of the
17 Appropriations Committee of the House of Representatives.
18 Section 1754-A.1. Contributions to the fund.

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

20 (1) Within six months of the effective date of this
21 section, the department shall include a requirement in a
22 notice for invitations for bids under 62 Pa.C.S. § 512
23 (relating to competitive sealed bidding), a notice of request
24 for proposals under 62 Pa.C.S. § 513 (relating to competitive
25 sealed proposals) and a notice for sole source procurement
26 under 62 Pa.C.S. § 515 (relating to sole source procurement),
27 if the contract dollar threshold is expected to exceed
28 \$5,000,000 annually, that the selected contractor contribute
29 the equivalent value of 1% of the annual contract amount to
30 the fund no later than June 30 of any fiscal year when the

1 contract is in effect. The department may withhold the
2 equivalent of 1% of the annual contract amount and remit the
3 money to the fund on behalf of the selected contractor in
4 order to effectuate the contribution.

5 (2) Upon prior approval by the Secretary of Corrections,
6 the department may waive the contribution requirement under
7 paragraph (1).

8 (b) Commonwealth agency procurement.--Within six months of
9 the effective date of this section, a Commonwealth agency may
10 include a requirement in a notice for invitations for bids under
11 62 Pa.C.S. § 512, a notice of request for proposals under 62
12 Pa.C.S. § 513 and a notice for sole source procurement under 62
13 Pa.C.S. § 515, if the contract dollar threshold is expected to
14 exceed \$5,000,000 annually, that the selected contractor
15 contribute the equivalent value of 1% of the annual contract
16 amount to the fund no later than June 30 of any fiscal year when
17 the contract is in effect. The Commonwealth agency may withhold
18 payment equivalent of 1% of the annual contract amount and remit
19 the payment to the fund on behalf of the selected contractor in
20 order to effectuate the contribution.

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

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

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