

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 790 Session of 2017

INTRODUCED BY HUGHES, BROWNE, COSTA, ALLOWAY, GREENLEAF, RESCHENTHALER, FONTANA, STEFANO, BOSCOLA, YUDICHAK, WHITE, BAKER, LEACH, TARTAGLIONE AND SCHWANK, JULY 6, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, SEPTEMBER 19, 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~~ ARTICLE XVII-A.1 OF THE act of April 9, 1929 <--
3 (P.L.343, No.176), known as The Fiscal Code, is amended by
4 adding a subarticle to read:

5 SUBARTICLE F

6 FIRST CHANCE TRUST FUND

7 SECTION 1751-A.1. INTENT. <--

8 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

9 (1) AT-RISK YOUTH HAVE ENGAGED IN OR ARE AT RISK OF
10 ENGAGING IN CONDUCT THAT CAN BE A PRECURSOR TO DROPPING OUT
11 OF SCHOOL, ENGAGING IN CRIMINAL BEHAVIOR, ACQUIRING A LOW-
12 PAYING JOB AND BEING UNEMPLOYED.

13 (2) PROVIDING MORE OR BETTER OPPORTUNITIES FOR AT-RISK
14 YOUTH AND LEADING THEM AWAY FROM NEGATIVE SOCIAL ACTIVITIES
15 WILL RESULT IN BETTER OUTCOMES AND HELP PREVENT NEGATIVE
16 RESULTS.

17 (3) THIS SUBARTICLE IS INTENDED TO PROVIDE AT-RISK YOUTH
18 WITH CONSTRUCTIVE OPPORTUNITIES AND OPTIONS.

19 Section ~~1751-A.1~~ 1752-A.1. Definitions. <--

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

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

25 "Child." A child under 18 years of age who resides in this
26 Commonwealth.

27 "Commission." The Pennsylvania Commission on Crime and
28 Delinquency.

29 "Commonwealth agency." An executive agency, an independent
30 agency or a State-affiliated entity.

1 "Department." The Department of Corrections of the
2 Commonwealth.

3 "Fund." The First Chance Trust Fund established under
4 section ~~1752-A.1~~ 1753-A.1. <--

5 "Program." An evidence-based or outcome-based program for
6 children who meet the eligibility requirements determined by the
7 commission, aimed at reducing risk factors and producing
8 positive outcomes, which may include mentoring, individual
9 counseling and therapeutic services and family-strengthening
10 activities.

11 "Scholarship program." A program which assists students in
12 obtaining education or other vocational training who meet all of
13 the following criteria:

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

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

18 (3) The students meet other eligibility requirements as
19 determined by the commission in accordance with this
20 subarticle.

21 Section ~~1752-A.1~~ 1753-A.1. First Chance Trust Fund. <--

22 The First Chance Trust Fund is established as a restricted
23 account in the General Fund.

24 Section ~~1753-A.1~~ 1754-A.1. Use of fund. <--

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

27 (1) Contributions from selected contractors of
28 designated contracts as specified under section ~~1754-A.1~~ <--
29 1755-A.1. <--

30 (2) Grants, gifts, donations and other payments from an <--

1 ~~individual, a person, a business entity, a nonprofit entity~~ <--
2 ~~or~~ EXCEPT FOR a government entity. <--

3 (3) Money appropriated into the fund.

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

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

9 (1) Establishing and operating a scholarship program for
10 students in those regions of this Commonwealth which have
11 statistically higher high school dropout rates or, <--
12 incarceration rates OR HIGH CRIME RATES as determined by the <--
13 commission.

14 (2) Providing grants to programs that benefit younger <--
15 individuals CHILDREN in those regions of this Commonwealth <--
16 which have statistically higher high school dropout rates or, <--
17 incarceration rates OR HIGH CRIME RATES as determined by the <--
18 commission.

19 (d) Contributions.--The commission may solicit and accept
20 gifts, donations, legacies and other revenues for deposit into
21 the fund from a person or, EXCEPT FOR A government entity. <--

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

23 (1) The commission shall adopt a statement of policy for <--
24 the maintenance and use of the fund within 60 days of the
25 effective date of this section. The policy shall be published
26 as a notice in the Pennsylvania Bulletin, but shall not be
27 subject to review under any of the following:

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

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

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

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

9 (3) AT A MINIMUM, THE STATEMENT OF POLICY SHALL: <--

10 (I) IDENTIFY RISK FACTORS THAT LEAD TO CRIMINAL
11 BEHAVIOR FOR CHILDREN AND STUDENTS IN REGIONS OF THIS
12 COMMONWEALTH WHICH HAVE STATISTICALLY HIGHER HIGH SCHOOL
13 DROPOUT RATES, HIGH INCARCERATION RATES OR ARE IN AREAS
14 OF HIGH CRIME, WHICH SHALL BE USED BY THE COMMISSION IN
15 DETERMINING ELIGIBILITY FOR ALLOCATION OF FUNDS.

16 (II) PROVIDE FOR THE MAINTENANCE AND USE OF THE
17 FUND.

18 (4) NO LESS THAN ONCE A YEAR, THE COMMISSION SHALL
19 REVIEW THE STATEMENT OF POLICY.

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

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

30 (2) The number of academic scholarships awarded and the

1 name and the county of residence of the recipients of
2 academic scholarships.

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

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

15 Section ~~1754-A.1~~ 1755-A.1. Contributions to the fund.

<--

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

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

1 order to effectuate the contribution.

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

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

18 (c) Use.--Contributions under subsections (a) and (b) shall
19 be deposited into the fund and shall only be used for the
20 purposes set forth in section ~~1753-A.1(e)~~ 1754-A.1(C). <--

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

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