

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 970 Session of 1999

INTRODUCED BY WENGER, STAPLETON, WAUGH, ARMSTRONG, CONTI, THOMPSON, HELFRICK, PUNT, GERLACH, WOZNIAK, O'PAKE, CORMAN, GREENLEAF, HOLL AND DENT, MAY 11, 1999

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 16, 1999

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," establishing a bureau
21 within the Department of Corrections; providing for the
22 administration of inmate training and education; establishing
23 an Inmate Education Advisory Committee; providing for the
24 transfer and retirement membership of certain employees;
25 providing for investment powers of the Treasury Department;
26 providing for a supplemental agricultural conservation
27 easement purchase program in the Department of Agriculture
28 ~~and for open space and revitalization financing~~; transferring <—
29 functions relating to services for individuals who are blind
30 or visually impaired; ~~further providing for utilization of~~ <—
31 ~~the Capitol Annex~~; affecting certain reorganization plans;
32 and making repeals.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
3 as The Administrative Code of 1929, is amended by adding
4 sections to read:

5 Section 900-B. Definitions.--As used in this article:

6 "Inmate education and training" means the provision of
7 services relating to the academic or vocational instruction,
8 including special education, of inmates incarcerated in a State
9 correctional institution.

10 "State correctional institution" means a correctional
11 facility, jail or prison owned or operated by the Department of
12 Corrections.

13 Section 905-B. Establishment of Bureau.--There is hereby
14 established a separate bureau within the Department of
15 Corrections which bureau shall provide centralized
16 administrative services relating to inmate education and
17 training, including:

18 (1) Provision of education and training.

19 (2) Staff supervision to include staff discipline in
20 accordance with applicable collective bargaining agreements,
21 department policies and principles of due process.

22 (3) Curriculum and program development and related matters.

23 Section 906-B. Responsibilities.--The bureau established
24 under section 905-B shall provide academic education, vocational
25 education, recreation services, library services and special
26 education for school-age inmates and adult inmates incarcerated
27 in State correctional institutions in accordance with law.

28 Section 907-B. Funding.--Funding for the operation of the
29 bureau established under section 905-B shall be included in the
30 line item for inmate education and training in the General

1 Appropriations Act.

2 Section 908-B. Transfer and Regulations.--(a) The following
3 shall be included as part of the transfer of responsibilities to
4 the Department of Corrections under this article: all personnel,
5 allocations, unexpended balances of appropriations, fixed
6 assets, equipment, files, records, contracts, agreements,
7 obligations and other materials and supplies owned, employed or
8 expended by the Department of Education in connection with the
9 provision of inmate education and training. All allocations and
10 appropriations shall have the same force and effect as if they
11 had been made to the Department of Corrections for purposes of
12 inmate education and training. All contracts, agreements and
13 obligations shall have the same force and effect as if they had
14 been executed or incurred by the department.

15 (b) Existing regulations, policies and other documents and
16 all actions of the Department of Education relating to the
17 provision of inmate education and training shall remain in
18 effect until the department amends the regulation, document or
19 other action.

20 Section 909-B. Certificates of Education Completion.--The
21 Department of Education shall issue all Commonwealth secondary
22 school diplomas and endorse or sponsor all other academic or
23 vocational certificates of completion for inmates.

24 Section 910-B. Local Educational Agency.--The bureau
25 established under section 905-B shall be deemed to be a local
26 educational agency for purposes relating to educational services
27 provided for school-age inmates and adult inmates and for
28 purposes of obtaining Federal funding.

29 Section 911-B. Advisory Committee.--(a) An Inmate Education
30 Advisory Committee is hereby established to advise and make

1 recommendations to the Department of Corrections regarding the
2 provision of inmate education and training.

3 (b) The committee shall consist of seven members as follows:

4 (1) The Secretary of Corrections or a designee.

5 (2) The Secretary of Education or a designee, who shall act
6 as chairman.

7 (3) One full-time educator who teaches in a State
8 correctional institution appointed by the Secretary of
9 Corrections in consultation with the employe organization
10 representing teachers in the department.

11 (4) Two members with experience in academic, vocational or
12 special education appointed by the Secretary of Education.

13 (5) Two members with experience in academic, vocational or
14 special education appointed by the Secretary of Corrections.

15 Section 912-B. Employment.--(a) All employes of the
16 Department of Education transferred to the Department of
17 Corrections under this article shall, subject to collective
18 bargaining, retain the same pay scales, salaries, wages and
19 seniority and other benefits, except as provided in section 913-
20 B.

21 (b) (1) Employes who provide inmate education and training
22 to school-age inmates shall hold appropriate State certification
23 as required by Federal and State law.

24 (2) Notwithstanding any law to the contrary, time spent
25 teaching adults in a State correctional institution shall be
26 applied toward certification for an Instructional II certificate
27 by the holder of an Instructional I certificate.

28 (c) (1) Teachers and other certified staff providing inmate
29 education and training for school-age and adult inmates shall be
30 considered professional employes working in an educational

1 setting under the act of July 23, 1970 (P.L.563, No.195), known
2 as the "Public Employe Relations Act," and under the internal
3 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 403(b))
4 regarding entitlement to tax benefits.

5 (2) Teachers and other certified staff providing inmate
6 education and training shall not be considered professional
7 employes under section 1101 or any other provision of the act of
8 March 10, 1949 (P.L.30, No.14), known as the "Public School Code
9 of 1949," unless otherwise specified under this section.

10 (d) Certified teachers or other certified staff employed to
11 provide inmate education and training shall be subject to
12 section 5(a)(11) of the act of December 12, 1973 (P.L.397,
13 No.141), referred to as the Teacher Certification Law.

14 (e) All existing civil service classifications relating to
15 the provision of inmate education and training within the
16 Department of Education shall apply to personnel providing
17 inmate education and training within the Department of
18 Corrections.

19 Section 913-B. Retirement.--(a) An employe who is
20 transferred under section 908-B and who on the effective date of
21 this section participates in an independent retirement program
22 approved by the Department of Education under 24 Pa.C.S. §
23 8301(a)(1) (relating to mandatory and optional membership) or 71
24 Pa.C.S. § 5301(a)(12) (relating to mandatory and optional
25 membership) or is a member of the Public School Employees'
26 Retirement System under 24 Pa.C.S. § 8301(a)(1) or 71 Pa.C.S. §
27 5301(a)(12), shall be deemed to be a school employe under 24
28 Pa.C.S. Pt. IV (relating to retirement for school employes) or
29 71 Pa.C.S. Pt. XXV (relating to retirement for State employes
30 and officers) and shall continue to participate in the

1 authorized independent retirement program or the Public School
2 Employees' Retirement System, as the case may be. The Department
3 of Corrections shall approve the program as an independent
4 retirement program under 71 Pa.C.S. § 5301(a)(12) for
5 participating transferred employes. The department shall be
6 considered an employer, as defined under 24 Pa.C.S. § 8102
7 (relating to definitions), of a transferred employe who is a
8 member of the Public School Employees' Retirement System.

9 (b) (1) Notwithstanding any other provision of law or any
10 collective bargaining agreement, arbitration award, contract or
11 term or condition or any retirement system or pension plan, an
12 employe who on the effective date of this section is an active
13 member or inactive member of the Public School Employees'
14 Retirement System shall have a one-time election to do one of
15 the following:

16 (i) Become a member of the State Employees' Retirement
17 System and transfer all credited service and accumulated
18 deductions in the Public School Employees' Retirement System to
19 the State Employees' Retirement System.

20 (ii) Become a member of the State Employees' Retirement
21 System, retaining credited service and accumulated deductions in
22 the Public School Employees' Retirement System. The employe may
23 elect multiple service at the same time as an election under
24 this subclause.

25 (2) The election shall be made within ninety (90) days of
26 the effective date of this act, but before termination of school
27 service, by submitting an election form to the personnel officer
28 of the department. The date the election is submitted to the
29 department shall be the effective date of the election. The
30 department shall notify both the Public School Employees'

1 Retirement System and the State Employees' Retirement System of
2 the election.

3 (3) If a member elects to transfer credited service from the
4 Public School Employees' Retirement System to the State
5 Employees' Retirement System, all classes of school and
6 nonschool service credited in the Public School Employees'
7 Retirement System shall be transferred to the State Employees'
8 Retirement System and credited in the appropriate classes of
9 State and nonstate service, respectively. School service which
10 would have been service as a corrections officer as defined in
11 71 Pa.C.S. § 5102 (relating to definitions) had the employe been
12 a member of the State Employees' Retirement System at the time
13 it was performed shall be credited as corrections officer
14 service. Transferred service shall no longer be considered
15 school or nonschool service for any purpose, but shall be
16 considered State and nonstate service for all purposes. Within
17 sixty (60) days of an election under this subsection, the Public
18 School Employees' Retirement System shall transfer to the State
19 Employees' Retirement System for each transferred member the
20 total accumulated member contributions and statutory interest,
21 plus an amount equal to the value of all annual employer
22 contributions with interest at the annual rate adopted by the
23 State Employees' Retirement Board for the calculation of the
24 normal contribution rate under 71 Pa.C.S. § 5508(b) (relating to
25 actuarial cost method), from the date of each contribution to
26 the date of the transfer of the funds to the State Employees'
27 Retirement Board. A debt to the Public School Employees'
28 Retirement System shall be transferred to the State Employees'
29 Retirement System and shall be paid in a manner and in
30 accordance with conditions prescribed by the State Employees'

1 Retirement Board.

2 (4) The State Employees' Retirement Board shall determine
3 the total additional actuarial accrued liability resulting from
4 transfers under this subsection as part of the first annual
5 valuation made after June 30, 1999. The department shall pay the
6 amount of the additional actuarial accrued liability to the
7 State Employees' Retirement Board in one lump sum within ninety
8 (90) days of the board's certification of the amount to the
9 department.

10 (5) The provisions of 71 Pa.C.S. Pt. XXV shall apply to all
11 benefits, rights and obligations under this article.

12 Section 914-B. Existing Contracts.--(a) Subject to
13 subsections (b) and (c), nothing in this article shall be
14 construed to supersede or alter any collective bargaining
15 agreement in effect on the effective date of this section or any
16 collective bargaining unit recognition or certification issued
17 by the Pennsylvania Labor Relations Board. References to the
18 Department of Education in a collective bargaining agreement or
19 document recognizing or certifying the collective bargaining
20 unit shall after the effective date of this section be deemed to
21 refer to the Department of Corrections.

22 (b) All provisions in the collective bargaining agreement
23 specifically applicable to individuals employed by the
24 Department of Corrections prior to the effective date of this
25 section shall continue to apply to those individuals.

26 (c) All provisions in the collective bargaining agreement
27 specifically applicable to individuals employed by the
28 Department of Education prior to the effective date of this
29 section shall continue to apply to individuals transferred under
30 this article.

1 Section 1101.1. Investment Powers.--(a) The power of the
2 Treasury Department to invest moneys, as provided in the act of
3 April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code,"
4 shall include the power to hold, purchase, sell, assign,
5 transfer and dispose of any securities, including the following:

6 (1) Equity securities.

7 (2) Mutual funds consisting in whole or in part of equity
8 securities.

9 (b) This section shall expire December 31, 2004.

10 Section 1716. Supplemental Agricultural Conservation
11 Easement Purchase Program.--(a) There is established the
12 Supplemental Agricultural Conservation Easement Purchase
13 Program. Funds appropriated for the program shall be allocated
14 by the State Agricultural Land Preservation Board in accordance
15 with the following:

16 (1) Except as provided in clauses (2) and (3), funds may be
17 allocated to eligible counties in accordance with section
18 14.1(h)(8.1) and (8.2) of the act of June 30, 1981 (P.L.128,
19 No.43), known as the "Agricultural Area Security Law," for any
20 purpose authorized under that act.

21 (2) For the fiscal year July 1, 1999, to June 30, 2000, up
22 to five hundred thousand dollars (\$500,000) may be allocated to
23 provide technical assistance to eligible counties or groups of
24 eligible counties regarding long-term installment purchases of
25 agricultural conservation easements in this Commonwealth.
26 Eligible counties shall file an application with the State
27 Agricultural Land Preservation Board to receive reimbursement or
28 payment under this clause. Technical assistance may include
29 department contracts with individuals with legal or financial
30 expertise to assist eligible counties under this clause. Funds

1 may be used for administrative expenses of the department
2 incurred under this clause. Funds allocated under this clause
3 may be spent over a period of two (2) years.

4 (3) For the fiscal year July 1, 1999, to June 30, 2000, up
5 to five hundred thousand dollars (\$500,000) may be allocated to
6 reimburse land trusts for expenses incurred to acquire
7 agricultural conservation easements, as defined in the
8 Agricultural Area Security Law, in this Commonwealth. Eligible
9 expenses shall include the cost of appraisals, legal services,
10 title searches, document preparation, title insurance, closing
11 fees and survey costs. Reimbursement shall be limited to five
12 thousand dollars (\$5,000) per easement. Funds may be used for
13 administrative expenses of the department incurred under this
14 clause. Funds allocated under this clause may be spent over a
15 period of two (2) years. In order to be eligible under this
16 clause, a land trust must:

17 (i) be a tax exempt institution under section 501(c)(3) of
18 the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C.
19 § 501(c)(3)) and include the acquisition of agricultural or
20 other conservation easements in its stated purpose;

21 (ii) register with the State Agricultural Land Preservation
22 Board;

23 (iii) coordinate with the farmland preservation activities
24 of the county if the farmland preservation activity occurs in an
25 eligible county or coordinate with the activities of the State
26 Agricultural Land Preservation Board if the activity does not
27 occur in an eligible county;

28 (iv) submit an application to the board with a statement of
29 costs incidental to the acquisition, the deed of easement and
30 any other documentation required by the board within sixty (60)

1 days of closing on the easement.

2 (b) An account is established in the Agricultural
3 Conservation Easement Purchase Fund created under section 7.2 of
4 the "Agricultural Area Security Law," to be known as the
5 Supplemental Agricultural Conservation Easement Purchase
6 Account. All funds appropriated to the Supplemental Agricultural
7 Conservation Easement Purchase Program shall be deposited in the
8 account for allocation under this section.

9 (c) Funds allocated under subsection (a) that are unexpended
10 or unencumbered at the conclusion of two (2) fiscal years shall
11 be restored to the Supplemental Agricultural Conservation
12 Easement Purchase Account. If no funds are appropriated to the
13 program in the two (2) fiscal years prior to the restoration of
14 allocated funds under this subsection, the restored funds shall
15 be transferred to the Agricultural Conservation Easement
16 Purchase Fund for allocation under the "Agricultural Area
17 Security Law."

18 (d) Within sixty (60) days of the effective date of this
19 section, and in subsequent years within sixty (60) days of the
20 effective date of any additional appropriations to the program,
21 eligible counties shall be authorized to appropriate additional
22 local moneys for the purchase of agricultural conservation
23 easements for the current county fiscal year. These additional
24 local moneys shall be included when determining each eligible
25 county's share of money allocated under this section for
26 supplemental agricultural easement purchase programs pursuant to
27 methodologies in paragraphs (8.1) and (8.2) of the "Agricultural
28 Area Security Law."

29 ~~Section 1.1 The act is amended by adding an article to read:~~ <—

30 ARTICLE XVII A

1 ~~OPEN SPACE AND REVITALIZATION FINANCING~~

2 ~~Section 1701 A. Statement of Legislative Intent. It is the~~
3 ~~purpose of this article to provide a means by which counties of~~
4 ~~the second class A may acquire and preserve property for open~~
5 ~~space, agricultural conservation, greenway preservation and~~
6 ~~community revitalization. The General Assembly finds that it is~~
7 ~~important to preserve and use land for these purposes. The~~
8 ~~incurring of debt or the imposition of taxes to generate funds~~
9 ~~for the purchase of property in accordance with the act of July~~
10 ~~28, 1953 (P.L.723, No.230), known as the "Second Class County~~
11 ~~Code," is declared to be for the public benefit, for the~~
12 ~~advancement of the public health, safety, morals and general~~
13 ~~welfare of the citizens of this Commonwealth, and for the~~
14 ~~promotion of sound land development.~~

15 ~~Section 1702 A. Definitions. The following words and~~
16 ~~phrases when used in this article shall have the meanings given~~
17 ~~to them in this section unless the context clearly indicates~~
18 ~~otherwise:~~

19 ~~"County" shall mean a county of the second class A.~~

20 ~~"Department" shall mean the Department of Revenue of the~~
21 ~~Commonwealth.~~

22 ~~"Property" shall mean any interest in real property acquired~~
23 ~~by a county as authorized by section 1703 A.~~

24 ~~Section 1703 A. Acquisition of Property. A county shall~~
25 ~~have the power and authority to purchase any of the following:~~

26 ~~(1) Open space property interests authorized in the act of~~
27 ~~January 19, 1968 (1967 P.L.992, No.442), entitled, as amended,~~
28 ~~"An act authorizing the Commonwealth of Pennsylvania and the~~
29 ~~local government units thereof to preserve, acquire or hold land~~
30 ~~for open space uses."~~

1 ~~(2) Agricultural conservation easements pursuant to a~~
2 ~~program authorized by the county governing body and administered~~
3 ~~in accordance with the act of June 30, 1981 (P.L.128, No.43),~~
4 ~~known as the "Agricultural Area Security Law."~~

5 ~~(3) Recreation and park lands, greenways, natural areas and~~
6 ~~open space consistent with the purposes set forth in the act of~~
7 ~~July 2, 1993 (P.L.359, No.50), known as the "Keystone~~
8 ~~Recreation, Park and Conservation Fund Act."~~

9 ~~(4) Real property, including air rights, water rights and~~
10 ~~other interests therein, which is:~~

11 ~~(i) blighted, deteriorated, deteriorating, undeveloped or~~
12 ~~inappropriately developed from the standpoint of sound~~
13 ~~community development and growth;~~

14 ~~(ii) appropriate for rehabilitation or conservation~~
15 ~~activities;~~

16 ~~(iii) appropriate for the preservation or restoration of~~
17 ~~historic sites, the beautification of urban land, the~~
18 ~~conservation of open spaces, natural resources and scenic areas,~~
19 ~~the provision of recreational opportunities, or the guidance of~~
20 ~~urban development; or~~

21 ~~(iv) to be used for the provision of public works,~~
22 ~~facilities and improvements.~~

23 ~~Section 1704 A. Incurring Debt; Installment Payments. (a)~~
24 ~~A county may incur either electoral or nonelectoral debt under~~
25 ~~53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and~~
26 ~~borrowing), for the acquisition of property as set forth in~~
27 ~~section 1703 A.~~

28 ~~(b) Debt referenda shall be as follows:~~

29 ~~(1) Electoral debt, for the purpose of acquiring property as~~
30 ~~set forth in section 1703 A, may be incurred in accordance with~~

1 ~~53 Pa.C.S. Ch. 80 Subch. C (relating to procedure for securing~~
2 ~~approval of electors).~~

3 ~~(2) Notwithstanding that nonelectoral debt may be incurred~~
4 ~~under 53 Pa.C.S. Pt. VII Subpt. B without securing the approval~~
5 ~~of the electors, an initiative petition of electors submitted in~~
6 ~~accordance with section 1705 A or an ordinance of the governing~~
7 ~~body adopted in accordance with section 1706 A may provide for a~~
8 ~~nonbinding, advisory referendum on the question of whether~~
9 ~~nonelectoral debt should be incurred for the purpose of~~
10 ~~acquiring property in accordance with section 1703 A.~~

11 ~~(c) To the extent that the laws enumerated in section 1703 A~~
12 ~~do not conflict with the exercise of the authority contained in~~
13 ~~this subsection, the governing body of a county may authorize~~
14 ~~the establishment of a program for the acquisition of property~~
15 ~~as set forth in section 1703 A on an installment or other~~
16 ~~deferred basis. The obligation of the county to make payment on~~
17 ~~an installment or other deferred basis shall not be subject to~~
18 ~~the requirements of 53 Pa.C.S. § 8142(b) or (c) (relating to~~
19 ~~limitations on stated maturity dates).~~

20 ~~Section 1705 A. Tax and Debt Initiative; Referendum~~
21 ~~Petition. If the initiative procedure authorized by this~~
22 ~~section is to be utilized, there must be filed with the county~~
23 ~~board of elections a petition containing a proposal for a~~
24 ~~referendum on the question of imposing a tax as specified in~~
25 ~~section 1708 A for the purpose of dedicating the tax revenues~~
26 ~~for either the acquisition of property as set forth in section~~
27 ~~1703 A or repaying debt incurred for that purpose as authorized~~
28 ~~by section 1704 A. The petition also may contain a proposal for~~
29 ~~a nonbinding, advisory referendum on the question of whether~~
30 ~~nonelectoral debt should be incurred, as authorized by section~~

1 ~~1704 A, for the acquisition of property as set forth in section~~
2 ~~1703 A. The proposal for a nonbinding, advisory referendum on~~
3 ~~the question of whether nonelectoral debt should be incurred may~~
4 ~~be the sole subject of the petition or it may be included with a~~
5 ~~proposal for a referendum on the question of imposing a tax. A~~
6 ~~petition shall be signed by electors of the county comprising at~~
7 ~~least two per centum (2%) of the number of electors voting for~~
8 ~~the office of Governor in the last gubernatorial general~~
9 ~~election in the county. A referendum petition under this section~~
10 ~~shall be filed not later than the thirteenth Tuesday prior to~~
11 ~~the next primary, general or municipal election at which the~~
12 ~~referendum will be held. If the petition proposes a referendum~~
13 ~~on whether a tax should be imposed as specified in section 1708-~~
14 ~~A, the petition shall identify the tax and the millage or rate~~
15 ~~at which it will be imposed by the county and the purpose or~~
16 ~~purposes for which the tax revenues are to be used. If the~~
17 ~~petition proposes a nonbinding, advisory referendum on whether~~
18 ~~nonelectoral debt should be incurred, as authorized by section~~
19 ~~1704 A, for the acquisition of property as set forth in section~~
20 ~~1703 A, the petition shall state the amount of the nonelectoral~~
21 ~~debt to be incurred and the purpose or purposes for which the~~
22 ~~debt proceeds are to be used. The petition and the proceedings~~
23 ~~therein shall be in the manner and subject to the provisions of~~
24 ~~the election laws which relate to the signing, filing and~~
25 ~~adjudication of nomination petitions insofar as those provisions~~
26 ~~are applicable. No referendum petition may be signed or~~
27 ~~circulated prior to the twentieth Tuesday before the election~~
28 ~~nor later than the thirteenth Tuesday before the election.~~

29 ~~Section 1706 A. Referendum Ordinance. In lieu of an~~
30 ~~initiative petition filed by electors pursuant to section 1705-~~

~~1 A, the governing body of a county may, by ordinance, provide for
2 a referendum on the question of imposing a tax as specified in
3 section 1708 A for the purpose of dedicating the tax revenues
4 for either the acquisition of property as set forth in section
5 1703 A or repaying debt incurred for that purpose as authorized
6 by section 1704 A. The ordinance also may contain a proposal for
7 a nonbinding, advisory referendum on the question of whether
8 nonelectoral debt should be incurred, as authorized by section
9 1704 A, for the acquisition of property as set forth in section
10 1703 A. The proposal for a nonbinding, advisory referendum on
11 the question of whether nonelectoral debt should be incurred may
12 be the sole subject of the ordinance or it may be included with
13 a proposal for a referendum on the question of imposing a tax.
14 If the ordinance proposes a referendum of whether a tax should
15 be imposed as specified in section 1708 A, the ordinance shall
16 identify the tax and the millage or rate at which it will be
17 imposed by the county and the purpose or purposes for which the
18 tax revenues are to be used. If the ordinance proposes a
19 nonbinding referendum of whether nonelectoral debt should be
20 incurred, as authorized by section 1704 A, for the acquisition
21 of property as set forth in section 1703 A, the petition shall
22 state the amount of the nonelectoral debt to be incurred and the
23 purpose or purposes for which the debt proceeds are to be used.
24 The ordinance providing for a referendum on the question shall
25 be filed with the county board of elections not later than the
26 13th Tuesday prior to the next primary, general or municipal
27 election at which the referendum will be held.~~

~~28 Section 1707 A. Authorizing Referendum. A referendum on the
29 question of imposing a tax as specified in section 1708 A for
30 the purpose of dedicating the tax revenues for either the~~

~~1 acquisition of property as set forth in section 1703 A or
2 repaying debt incurred for that purpose as authorized by section
3 1704 A, or a nonbinding, advisory referendum on the question of
4 incurring nonelectoral debt, as authorized by section 1704 A,
5 for the acquisition of property as set forth in section 1703 A,
6 shall be held either if initiated by the electors of the county
7 in accordance with section 1705 A or after adoption of an
8 ordinance by the governing body of the county in accordance with
9 section 1706 A. The referendum shall be governed by the
10 provisions of the act of June 3, 1937 (P.L.1333, No.320), known
11 as the "Pennsylvania Election Code." Election officials shall
12 cause the question to be submitted to the electors of the county
13 at the next primary, general or municipal election occurring not
14 less than the 13th Tuesday following the filing, with the county
15 board of elections, of either the referendum petition in
16 accordance with section 1705 A or the referendum ordinance in
17 accordance with section 1706 A. At such election, the question
18 shall be submitted to the voters in the same manner as other
19 questions are submitted under the provisions of the
20 "Pennsylvania Election Code." Either one or both of the
21 following questions, as directed in the referendum petition or
22 the referendum ordinance are to be placed upon the ballot and
23 shall be framed in the following form:~~

~~24 Do you favor the imposition of a (identify the tax or
25 taxes and the millage or rate or rates at which the tax
26 or taxes will be imposed) by (insert the name of the
27 county) to be used for (identify the purpose or
28 purposes)?~~

~~29 Do you favor incurring nonelectoral debt within the debt
30 limits provided by law for (insert the name of the~~

1 ~~county) in the amount of (identify the amount of the debt~~
2 ~~to be incurred) by (insert the name of the county) to be~~
3 ~~used for (identify the purpose or purposes)?~~

4 ~~Section 1708 A. Taxes Authorized. If approved by a majority~~
5 ~~of those voting in a referendum authorized by either ordinance~~
6 ~~or initiative in accordance with this article, a county may~~
7 ~~impose, by ordinance, any one or more of the following taxes as~~
8 ~~approved by referendum, not exceeding the millage or rate~~
9 ~~authorized by the referendum, for the purpose of dedicating the~~
10 ~~tax revenues for the acquisition of property as set forth in~~
11 ~~section 1703 A or for repaying debt incurred for that purpose as~~
12 ~~authorized by section 1704 A:~~

13 ~~(1) A tax on real property in addition to other real estate~~
14 ~~taxes authorized for counties in the act of July 28, 1953~~
15 ~~(P.L.723, No.230), known as the "Second Class County Code," or~~
16 ~~any other law. The tax authorized by this clause shall be in~~
17 ~~addition to, and shall not otherwise affect or prevent an~~
18 ~~increase in the millage rate for real estate taxes for general~~
19 ~~county purposes within limits otherwise authorized in section~~
20 ~~1970 of the "Second Class County Code."~~

21 ~~(2) A tax on the transfer of real property, or of any~~
22 ~~interest in real property, situate within the county, regardless~~
23 ~~of where the instruments making the transfers are made, executed~~
24 ~~or delivered or where the actual settlements on such transfer~~
25 ~~take place, subject to the limitations and restrictions placed~~
26 ~~on political subdivisions imposing a tax on the transfer of real~~
27 ~~property in accordance with the act of December 31, 1965~~
28 ~~(P.L.1257, No.511), known as "The Local Tax Enabling Act." The~~
29 ~~tax authorized by this clause may be imposed at a maximum rate~~
30 ~~of one per centum (1%), in increments of one half of one per~~

1 ~~centum (.5%), but not exceeding the rate authorized by the~~
2 ~~referendum, and shall be in addition to the realty transfer tax~~
3 ~~authorized by either "The Local Tax Enabling Act" or the act of~~
4 ~~March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of~~
5 ~~1971."~~

6 ~~(3) A dedicated county sales and use tax as authorized in~~
7 ~~section 1709 A.~~

8 ~~Section 1709 A. Dedicated County Sales and Use Tax. (a)~~
9 ~~The tax imposed by the governing body of a county under this~~
10 ~~section shall be in addition to any tax imposed by the~~
11 ~~Commonwealth under Article II of the act of March 4, 1971~~
12 ~~(P.L.6, No.2), known as the "Tax Reform Code of 1971." Except~~
13 ~~for the differing situs provisions under subsection (c), the~~
14 ~~provisions of Article II of the "Tax Reform Code of 1971" shall~~
15 ~~apply to the tax.~~

16 ~~(b) Imposition shall be as follows:~~

17 ~~(1) The governing body of a county may levy and assess upon~~
18 ~~each separate sale at retail of tangible personal property or~~
19 ~~services, as defined in Article II of the "Tax Reform Code of~~
20 ~~1971," within the boundaries of the county, a tax on the~~
21 ~~purchase price. The tax shall be collected by the vendor from~~
22 ~~the purchaser and shall be paid over to the Commonwealth as~~
23 ~~provided in this section. The sales tax shall not be paid to the~~
24 ~~Commonwealth by any person who has paid the tax imposed under~~
25 ~~Chapter 5 of the act of June 5, 1991 (P.L.9, No.6), known as the~~
26 ~~"Pennsylvania Intergovernmental Cooperation Authority Act for~~
27 ~~Cities of the First Class," or subdivision (c) of Article XXXI B~~
28 ~~of the act of July 28, 1953 (P.L.723, No.230), known as the~~
29 ~~"Second Class County Code," equal to or greater than the tax~~
30 ~~imposed under this clause.~~

1 ~~(2) In any county within which the tax authorized in clause~~
2 ~~(1) is imposed, there shall be levied, assessed and collected~~
3 ~~upon the use, within the county, of tangible personal property~~
4 ~~purchased at retail and on services purchased at retail, as~~
5 ~~defined in Article II of the "Tax Reform Code of 1971," a tax on~~
6 ~~the purchase price. The tax shall be paid over to the~~
7 ~~Commonwealth by the person who makes the use. The use tax~~
8 ~~imposed under this clause shall not be paid over to the~~
9 ~~Commonwealth by any person who has paid the tax imposed under:~~

10 ~~(i) Clause (1).~~

11 ~~(ii) This clause to the vendor with respect to the use.~~

12 ~~(iii) Chapter 5 of the "Pennsylvania Intergovernmental~~
13 ~~Cooperation Authority Act for Cities of the First Class," equal~~
14 ~~to or greater than the tax imposed under either clause (1) or~~
15 ~~this clause.~~

16 ~~(iv) Subdivision (c) of Article XXXI B of the "Second Class~~
17 ~~County Code," equal to or greater than the tax imposed under~~
18 ~~either clause (1) or this clause.~~

19 ~~(3) In any county within which a tax authorized by clause~~
20 ~~(1) is imposed, there shall be levied, assessed and collected an~~
21 ~~excise tax on the rent upon every occupancy of a room or rooms~~
22 ~~in a hotel in the county. The tax shall be collected by the~~
23 ~~operator or owner from the occupant and paid over to the~~
24 ~~Commonwealth.~~

25 ~~(4) Rate and uniformity shall be as follows:~~

26 ~~(i) The tax authorized by clauses (1), (2) and (3) shall be~~
27 ~~imposed at a maximum rate of one per centum (1%), in increments~~
28 ~~of one half of one per centum (.5%), but not exceeding the rate~~
29 ~~authorized by the referendum.~~

30 ~~(ii) The tax imposed by clauses (1), (2) and (3) shall be~~

1 ~~uniform.~~

2 ~~(5) The tax imposed under this subsection shall be computed~~
3 ~~in the manner set forth in section 503(c)(2) of the~~
4 ~~"Pennsylvania Intergovernmental Cooperation Authority Act for~~
5 ~~Cities of the First Class."~~

6 ~~(c) Situs shall be as follows:~~

7 ~~(1) Except as provided in clauses (2) and (3), the situs of~~
8 ~~sales at retail or uses, including leases, of motor vehicles,~~
9 ~~aircraft, motorcraft and utility services shall be determined in~~
10 ~~the manner specified by section 504 of the "Pennsylvania~~
11 ~~Intergovernmental Cooperation Authority Act for Cities of the~~
12 ~~First Class," as well as the "Tax Reform Code of 1971."~~

13 ~~(2) The sale or use of premium cable service shall be deemed~~
14 ~~to occur at the service address in the county which is the~~
15 ~~address where the customer cable connection is located. This~~
16 ~~clause shall determine the situs of premium cable service for~~
17 ~~the purpose of all local sales taxes, including those imposed~~
18 ~~pursuant to Chapter 5 of the "Pennsylvania Intergovernmental~~
19 ~~Cooperation Authority Act for Cities of the First Class" and~~
20 ~~pursuant to subdivision (c) of Article XXXI B of the "Second~~
21 ~~Class County Code."~~

22 ~~(3) The situs of telecommunications service under this~~
23 ~~section shall be determined in accordance with regulations~~
24 ~~adopted by the department, which shall be uniform among all~~
25 ~~counties, and shall be consistent with regulations promulgated~~
26 ~~under subdivision (c) of Article XXXI B of the "Second Class~~
27 ~~County Code"; Article II of the "Tax Reform Code of 1971"; and~~
28 ~~Chapter 5 of the "Pennsylvania Intergovernmental Cooperation~~
29 ~~Authority Act for Cities of the First Class."~~

30 ~~(d) A license for the collection of the tax authorized by~~

~~1 this section shall be issued in the same manner as is provided
2 for in section 505 of the act of June 5, 1991 (P.L.9, No.6),
3 known as the "Pennsylvania Intergovernmental Cooperation
4 Authority Act for Cities of the First Class." Licensees shall be
5 entitled to the same discount as provided in section 227 of the
6 "Tax Reform Code of 1971."~~

~~7 (c) Regulations and collection costs shall be as follows:~~

~~8 (1) Regulations shall be applicable to the taxes imposed
9 under subsection (b) in the same manner as is provided for in
10 section 506(1) and (2) of the "Pennsylvania Intergovernmental
11 Cooperation Authority Act for Cities of the First Class."~~

~~12 (2) The department, to cover its costs of administration
13 under this article, shall be entitled to retain a sum equal to
14 the costs of administration. When the annual operating budget
15 for the department is submitted to the General Assembly, the
16 department shall also submit to the chairman and minority
17 chairman of the Appropriations Committee of the Senate and to
18 the chairman and minority chairman of the Appropriations
19 Committee of the House of Representatives a report of the actual
20 sums retained for costs of collection in the preceding fiscal
21 year, together with all supporting details.~~

~~22 (f) Procedure and administration shall be as follows:~~

~~23 (1) In addition to any other requirements imposed by this
24 article or any other law relating to the adoption by a county of
25 an ordinance imposing a tax, the governing body of the county
26 desiring to impose the tax authorized in subsection (b) shall,
27 prior to adopting an ordinance imposing the tax, give public
28 notice of its intent to adopt the ordinance in the manner
29 provided by section 4 of the act of December 31, 1965 (P.L.1257,
30 No.511), known as "The Local Tax Enabling Act" and shall conduct~~

1 ~~at least one public hearing regarding the proposed adoption of~~
2 ~~the ordinance. The notice and ordinance shall state the tax rate~~
3 ~~and refer to this article and section. The ordinance shall~~
4 ~~authorize the imposition of all taxes provided for in subsection~~
5 ~~(b).~~

6 ~~(2) A certified copy of the county ordinance shall be~~
7 ~~delivered to the department by June 1 of the year prior to the~~
8 ~~effective date thereof. The county ordinance shall become~~
9 ~~effective on January 1 following at least seven (7) months after~~
10 ~~the date of enactment of the county ordinance.~~

11 ~~(3) A certified copy of a repeal ordinance shall be~~
12 ~~delivered to the department at least one hundred twenty (120)~~
13 ~~days prior to the effective date of the repeal.~~

14 ~~(g) There is created for each county levying the tax under~~
15 ~~subsection (b) a county sales and use tax fund. The State~~
16 ~~Treasurer shall be custodian of the funds which shall be subject~~
17 ~~to the provisions of law applicable to funds listed in section~~
18 ~~302 of the act of April 9, 1929 (P.L.343, No.176), known as "The~~
19 ~~Fiscal Code." Taxes imposed under subsection (b) shall be~~
20 ~~received by the department and paid to the State Treasurer and,~~
21 ~~along with interest and penalties, less any collection costs~~
22 ~~allowed under this article and any refunds and credits paid,~~
23 ~~shall be credited to the funds not less frequently than every~~
24 ~~two weeks. During any period prior to the credit of money to the~~
25 ~~funds, interest earned on money received by the department and~~
26 ~~paid to the State Treasurer under this article shall be~~
27 ~~deposited into the funds. All money in the funds, including, but~~
28 ~~not limited to, money credited to the funds under this~~
29 ~~subsection, prior year encumbrances and the interest earned~~
30 ~~thereon, shall not lapse or be transferred to any other fund,~~

1 ~~but shall remain in the funds. Pending their disbursement, money~~
2 ~~received on behalf of or deposited into the funds shall be~~
3 ~~invested or reinvested as are other money in the custody of the~~
4 ~~State Treasurer in the manner provided by law. All earnings~~
5 ~~received from the investment or reinvestment of the money shall~~
6 ~~be credited to the respective funds. The Auditor General shall~~
7 ~~periodically audit the records of the department relative to its~~
8 ~~duties under this subsection and shall furnish the results of~~
9 ~~such audit to any county levying the sales and use tax under~~
10 ~~subsection (b).~~

11 ~~(h) Disbursements shall be as follows:~~

12 ~~(1) On or before the tenth day of every month, the State~~
13 ~~Treasurer shall make the disbursements on behalf of the county~~
14 ~~imposing the tax out of the money which are, as of the last day~~
15 ~~of the previous month, contained in the respective county sales~~
16 ~~and use tax fund.~~

17 ~~(2) The State Treasurer shall disburse to a county imposing~~
18 ~~the tax authorized under subsection (b) an amount of money equal~~
19 ~~to one hundred per centum (100%) of the tax collected in that~~
20 ~~county and remitted to the department and deposited in the~~
21 ~~respective county sales and use tax fund. The county shall~~
22 ~~deposit the revenue from the respective county sales and use tax~~
23 ~~fund into a special county conservation, open space, recreation~~
24 ~~and revitalization property acquisition fund created pursuant to~~
25 ~~section 1710 A, and all appropriations from such fund are to be~~
26 ~~used exclusively for carrying out the purposes of this article.~~

27 ~~Section 1710 A. County Conservation, Open Space, Recreation~~
28 ~~and Revitalization Property Acquisition Fund. Each county~~
29 ~~imposing a tax or incurring debt in accordance with this article~~
30 ~~shall establish a county conservation, open space, recreation~~

1 ~~and revitalization property acquisition fund and all money~~
2 ~~received by a county from the imposition of any tax, including~~
3 ~~interest and penalties, or the proceeds of debt incurred, in~~
4 ~~accordance with this article, shall be deposited in the county~~
5 ~~conservation, open space, recreation and revitalization property~~
6 ~~acquisition fund. Appropriations from the county conservation,~~
7 ~~open space, recreation and revitalization property acquisition~~
8 ~~fund shall be used solely and exclusively for the acquisition of~~
9 ~~property as set forth in section 1703 A or repaying debt~~
10 ~~incurred for that purpose as authorized by section 1704 A.~~

11 ~~Section 1711 A. Continuity of Tax; Tax Increases. (a)~~
12 ~~Continuity. Every tax levied under this article shall continue~~
13 ~~in force on a calendar or fiscal year basis, as the case may be,~~
14 ~~without annual reenactment unless the rate of tax is increased~~
15 ~~or the tax is subsequently repealed by an ordinance of the~~
16 ~~governing body of the county, except that a tax levied under~~
17 ~~this article shall not be repealed within five (5) years~~
18 ~~following its imposition unless the repeal is first approved by~~
19 ~~a majority of those voting on a referendum on the question of~~
20 ~~repeal, which may be presented to the voters in accordance with~~
21 ~~the procedures set forth in this article for the referendum on~~
22 ~~the question of levying the tax.~~

23 ~~(b) A governing body of a county which has levied a tax in~~
24 ~~accordance with this article shall not increase the rate or~~
25 ~~millage of the tax, except for any increase in millage required~~
26 ~~to equalize revenues after a countywide reassessment, without~~
27 ~~first obtaining the approval of a majority of those voting in a~~
28 ~~referendum on the question of increasing the rate or millage. A~~
29 ~~referendum under this subsection shall be governed by the~~
30 ~~provisions of the act of June 3, 1937 (P.L.1333, No. 320), known~~

1 ~~as the "Pennsylvania Election Code." Election officials shall~~
2 ~~cause the question to be submitted to the electors of the county~~
3 ~~at the next primary, general or municipal election occurring not~~
4 ~~less than the 13th Tuesday following the filing, with the county~~
5 ~~board of elections of an ordinance of the governing body~~
6 ~~proposing to increase the rate or millage of the tax and~~
7 ~~proposing a referendum on that question. At such election, the~~
8 ~~question shall be submitted to the voters in the same manner as~~
9 ~~other questions are submitted under the provisions of the~~
10 ~~"Pennsylvania Election Code." The question to be placed upon the~~
11 ~~ballot shall be framed in the following form:~~

12 ~~Do you favor an increase in the (insert the millage or~~
13 ~~rate) of (identify the tax or taxes) previously approved~~
14 ~~by the voters and imposed by (insert the name of the~~
15 ~~county) for (identify the purpose or purposes for which~~
16 ~~the tax had been imposed) from (insert the current~~
17 ~~millage or rate) to (insert the proposed millage or~~
18 ~~rate)?~~

19 ~~Section 1712 A. Preemption. No act of the General Assembly~~
20 ~~will vacate or preempt any ordinance adopted under this article~~
21 ~~providing for the imposition of a tax by a county unless the act~~
22 ~~of the General Assembly expressly vacates or preempts the~~
23 ~~authority to adopt the ordinance.~~

24 ~~Section 1713 A. Construction of Article. The power and~~
25 ~~authority granted to a county under this article shall be in~~
26 ~~addition to, and not in limitation of, any other power or~~
27 ~~authority heretofore or hereafter granted to a county by any~~
28 ~~other law, and shall be construed to enlarge and not to reduce~~
29 ~~or limit the power and authority of counties.~~

30 Section 2. Article XXII of the act is amended by adding a

1 subarticle heading to read:

2 ARTICLE XXII
3 POWERS AND DUTIES OF THE DEPARTMENT OF
4 LABOR AND INDUSTRY, ITS DEPARTMENTAL
5 ADMINISTRATIVE AND ADVISORY BOARDS
6 AND DEPARTMENTAL ADMINISTRATIVE OFFICERS

7 (a) General Provisions

8 Section 3. Article XXII of the act is amended by adding
9 subarticles to read:

10 (b) Services for the Blind and Visually Impaired

11 Section 2221. Definitions.--As used in this subarticle, the
12 following words and phrases shall have the meanings given to
13 them in this section:

14 "Advisory committee" shall mean the Advisory Committee for
15 the Blind, established in section 2225.

16 "Blind person" shall mean a person:

17 (1) whose central acuity does not exceed 20/200 in the
18 better eye with correcting lenses; or

19 (2) whose visual acuity, if better than 20/200, is
20 accompanied by a limit of the field of vision in the better eye
21 to a degree that its widest diameter subtends an angle of no
22 greater than twenty (20) degrees.

23 In determining whether an individual is blind, there must be an
24 examination by a physician skilled in diseases of the eye or by
25 an optometrist.

26 "Bureau" shall mean the administrative unit in the department
27 which provides services to the blind and visually impaired in
28 accordance with this subarticle or subarticle (c).

29 "Committee" shall mean the Committee of Blind Vendors
30 established in section 2233.

1 "Department" shall mean the Department of Labor and Industry
2 of the Commonwealth.

3 "Fund" shall mean the Employment Fund for the Blind
4 established in section 2223.

5 "Licensee" shall mean an individual licensed under section
6 2235.

7 "Rental fee" shall mean the fee fixed by the bureau and the
8 committee for the rental of the snack bar location and
9 equipment.

10 "State property" shall mean property owned or leased by the
11 State government or an agency of the State government and
12 designated by the bureau as appropriate for participation in the
13 Business Enterprise Program. The term does not include property
14 which is owned or leased for:

15 (1) rest, recreation and safety rest areas on the national
16 system of interstate and defense highways;

17 (2) institutions of higher learning except as provided in
18 section 2239; or

19 (3) institutions of the Department of Corrections.

20 "Vending facility" shall mean any automatic vending machine,
21 cafeteria, snack bar, shelter, cart or counter, where food,
22 tobacco, newspapers, periodicals or other articles are offered
23 for sale and dispensed automatically or manually.

24 "Vending machine income" shall mean either of the following:

25 (1) Receipts, other than those of a licensee, from the
26 operation of vending machines on State property, after cost of
27 goods sold, where the machines are operated, serviced or
28 maintained by or with the approval of the department and the
29 committee.

30 (2) Commissions paid other than to a licensee by a

1 commercial vending concern which operates, services or maintains
2 vending machines on State property for or with the approval of
3 the department.

4 Section 2222. Department.--The department has the following
5 powers and duties:

6 (1) To collect, systematize and transmit to other agencies
7 relevant information in regard to blind and visually impaired
8 persons in this Commonwealth as necessary to improve programs
9 relating to the blind and visually impaired.

10 (2) To formulate general policy and establish and operate
11 programs within this Commonwealth to:

12 (i) assist blind and visually impaired persons to gain
13 employment and become self-sufficient;

14 (ii) increase economic opportunities for blind and visually
15 impaired persons; and

16 (iii) increase the number and variety of occupations
17 available to blind and visually impaired persons.

18 (3) To provide for the delivery of comprehensive vocational
19 rehabilitation services, training and other specialized services
20 to blind and visually impaired persons consistent with Federal
21 and State law.

22 (4) To establish and operate a business enterprise program
23 for persons who are blind in accordance with this subarticle,
24 subarticle (c) and Federal law.

25 (5) To participate in programs involving the use of
26 vocational rehabilitation to assist in the transition of blind
27 and visually impaired students from school to work.

28 (6) To take any action and to adopt regulations necessary to
29 facilitate the operation of this subarticle and subarticle (c)
30 and, in furtherance of those objectives, to accept any grants or

1 contributions from the Federal Government or any Federal agency.

2 Section 2223. Fund.--(a) There is established in the State
3 Treasury a revolving fund to be designated as the Employment
4 Fund for the Blind.

5 (b) The fund shall be used by the department in carrying out
6 the purposes specified in this subarticle and subarticle (c).

7 This subsection includes all of the following:

8 (1) Purchase new equipment and replace existing equipment
9 for new and existing vending facilities, including any
10 construction necessary for the installation of equipment or
11 related renovation.

12 (2) Purchase initial stock and supplies.

13 (3) Provide training services.

14 (4) Establish and maintain retirement funds or other
15 appropriate benefits for licensees.

16 (5) Pay for necessary program operating expenses, including
17 appropriate expenses for the committee.

18 (c) Money in the fund is hereby appropriated to the
19 department for such purposes and shall be paid without further
20 appropriations under requisition and warrant drawn on the State
21 Treasurer in the usual manner.

22 Section 2224. Business Enterprises; Equipment; Leases;
23 Repayment.--(a) The department is authorized to purchase, own,
24 install, maintain, license and lease equipment, accessories and
25 vending machines to be used for suitable business enterprises
26 for or on behalf of the blind and to advance to deserving blind
27 persons out of money in the fund reasonable amounts as proper to
28 enable blind persons to purchase the merchandise, equipment,
29 stock and accessories necessary to put into operation a vending
30 or refreshment stand or other suitable business enterprises in

1 some suitable location to be leased or arranged for by the
2 department. Pennsylvania blind veterans of the world wars shall
3 be given first preference for locations established, in
4 accordance with the provisions of the Randolph-Sheppard Act (49
5 Stat. 1559, 20 U.S.C. § 107 et seq.), and the regulations
6 pursuant to that act.

7 (b) Business enterprises under subsection (a) must be
8 approved by the department and shall be supervised periodically
9 by the department.

10 (c) The leases or permits for the installation and operation
11 of stands or other suitable business enterprises under
12 subsection (a) shall be secured by the department in its own
13 name.

14 (d) Money advanced to a blind person under this subarticle
15 or subarticle (c) shall be repaid by such person in monthly
16 installments, which shall in no case be less than two per centum
17 (2%) of the gross monthly sales made at the stand or business in
18 question.

19 (e) Equipment and accessories purchased, owned, installed
20 and maintained by the department may be leased to deserving
21 blind persons for an amount not to exceed four per centum (4%)
22 of the gross monthly sales, except in those locations in which
23 the gross monthly sales do not exceed one thousand dollars
24 (\$1,000). Rental in these locations shall not exceed one per
25 centum (1%) of the gross monthly sales. The department shall
26 periodically regulate the rental fees charged to blind persons
27 in accordance with the regulations, in such a manner as to
28 achieve approximate equality of opportunity to blind persons.
29 The department shall transmit all repayments and rental fees
30 into the State Treasury, where they shall be credited to the

1 fund.

2 (f) The department is authorized to receive and transmit to
3 the State Treasury for credit to the fund all money received by
4 the Commonwealth on account of contracts between the
5 Commonwealth, acting through the Department of General Services,
6 and vending machine owners, whereby the Commonwealth is to
7 receive a percentage of the profits from vending machines
8 operated in State buildings, except for those vending machines
9 in State buildings in which a restaurant or cafeteria is
10 operated by the Department of General Services.

11 Section 2225. Advisory Committee for the Blind.--(a) There
12 is established an Advisory Committee for the Blind within the
13 department.

14 (b) The advisory committee shall consist of the director of
15 the bureau and shall include not less than three nor more than
16 nine members appointed by the Governor. The qualifications of
17 the members of the advisory committee shall be determined by the
18 Governor in consultation with the department. The Governor shall
19 appoint members of the advisory committee to represent the
20 professional and lay groups from fields of interest served by
21 programs administered by the bureau.

22 (c) The term of office of each member shall be six (6)
23 years. Initial appointments to the advisory committee shall be
24 for terms of six (6), four (4) and two (2) years.

25 (d) (1) A majority of the advisory committee shall
26 constitute a quorum.

27 (2) The advisory committee shall elect a chairperson.

28 (3) The advisory committee shall meet at least four times
29 each year.

30 (c) Little Randolph-Sheppard

1 Section 2231. Short Title of Subarticle.--This subarticle
2 shall be known and may be cited as the "Little Randolph-Sheppard
3 Act."

4 Section 2232. Definitions.--The definitions in section 2221
5 shall apply to this subarticle.

6 Section 2233. Committee Established.--The Committee of Blind
7 Vendors is established. The committee shall consist of
8 licensees. The committee shall conduct a biennial election of a
9 president, first vice president and secretary and may conduct
10 elections to fill vacancies in office at any time. The bureau
11 must approve policies, standards and procedures affecting the
12 operation of vending facilities by licensees in consultation and
13 cooperation with the committee. The committee shall actively
14 participate in administrative policy and program development
15 decisions concerning vending facilities operated by licensees.

16 Section 2234. Blindness and Visual Services.--(a) The
17 bureau has the following powers and duties:

18 (1) Survey vending facility opportunities on all State
19 property.

20 (2) License blind persons for the operation of vending
21 facilities on State property.

22 (3) Provide vending facility equipment and an adequate
23 initial stock of suitable articles to licensees.

24 (4) Provide the necessary training and supervision to
25 licensees.

26 (5) Issue appropriate regulations to carry out the
27 provisions of this subarticle.

28 (6) Collect rental fees and appropriate vending machine
29 income and transmit them to the Treasury Department for deposit
30 in the fund.

1 (b) The bureau, with active participation by the committee,
2 has the following powers and duties:

3 (1) Consider and respond to grievances of licensees.

4 (2) Develop and administer a Statewide system for the
5 transfer and promotion of licensees.

6 (3) Develop training and retraining programs for licensees
7 and blind persons interested in obtaining a license to operate a
8 vending facility.

9 (4) Organize meetings and conferences for licensees in this
10 Commonwealth.

11 (5) Adopt regulations necessary to insure uniform
12 administration of the vending facilities program for licensees.
13 The regulations shall apply uniformly to vending facilities
14 operated by licensees on Federal as well as other public
15 property.

16 Section 2235. Licensing.--(a) The bureau may issue a license
17 for the operation of a vending facility only to a blind person
18 who is a resident of this Commonwealth; who qualifies for a
19 license under the Randolph-Sheppard Act (49 Stat. 1559, 20
20 U.S.C. § 107 et seq.); and who is able, after successfully
21 completing all necessary training, to operate a vending
22 facility. Each license shall be for an indefinite period but may
23 be terminated or suspended if, after affording the licensee an
24 opportunity for an appeal under section 2240 to the bureau and
25 the committee, it is determined that the facility is not being
26 operated in accordance with this subarticle.

27 (b) A license may be terminated or suspended if any of the
28 following apply:

29 (1) The licensee shows serious or repeated employment-
30 related misconduct or mismanagement of the facility.

1 (2) The licensee shows continued indebtedness or delinquency
2 in required reporting.

3 (3) The licensee is incapacitated for an extended period of
4 time to the extent that the licensee cannot conduct the affairs
5 of the facility.

6 (4) The licensee shows restoration of sight to better than
7 legal blindness, which is the basis of eligibility for
8 participation in the program.

9 (5) The licensee voluntarily withdraws or resigns from the
10 program.

11 Section 2236. Veterans Preference.--Pennsylvania blind
12 veterans shall be given preference in placement at their first
13 vending location. This preference shall be applicable only for
14 entry to the program and only in competition with other entering
15 trainees. It may only be used once under the business
16 enterprises regulations as provided for in section 2222(6).

17 Section 2237. Operation of Vending Facility.--(a) No person
18 in control of the maintenance, operation and protection of State
19 property may offer or grant to any other party a contract or
20 concession to operate a vending facility unless all of the
21 following apply:

22 (1) The bureau is properly notified to negotiate an
23 agreement with a licensee to operate a vending facility.

24 (2) The bureau and the committee are not willing or able to
25 establish a vending facility on the property.

26 (b) If, on the effective date of this subarticle, a vending
27 facility is being operated on State property by a person other
28 than a licensee, when the present contract expires, is
29 terminated or comes up for renewal or upon a change of the
30 maintenance, operation and protection of the property, the

1 person in control shall notify the bureau and attempt to make an
2 agreement with the bureau for a licensee to operate the vending
3 facility. If the bureau determines that a vending facility
4 operated by a full-time licensee is not feasible on State
5 property, the business enterprises program may install vending
6 machines on the property with income accruing under section
7 2234(a)(6). The contract for the operation of a vending facility
8 shall specify that it shall be operated at a reasonable cost
9 consistent with a fair return, high quality food products or
10 service and reasonable prices.

11 Section 2238. Income.--Income from existing vending machines
12 on State property and from new or replacement vending machines
13 installed on State property shall accrue to the licensee
14 operating a vending facility on the property or, if there is
15 none, to the fund. The licensee or the bureau, as appropriate,
16 shall be responsible for servicing and maintaining the vending
17 machines from which income is received.

18 Section 2239. Institutions of Higher Learning.--An
19 institution of higher learning which, on the effective date of
20 this subarticle, is a party to a lease or other contract with a
21 Commonwealth agency entered into under section 2224 may, when
22 the present contract expires, is terminated or comes up for
23 renewal, enter into contract with the bureau for the operation
24 of a vending facility under this subarticle. An institution of
25 higher learning may, at any time, voluntarily participate in the
26 program established by this subarticle.

27 Section 2240. Appeal.--A person aggrieved by a decision of
28 the bureau under this subarticle may appeal under 2 Pa.C.S. Ch.
29 7 Subch. A (relating to judicial review of Commonwealth agency
30 action).

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1 ~~Section 4. Section 2402.1 of the act, added December 18,~~
2 ~~1992 (P.L.1638, No.180), is amended to read:~~

3 ~~Section 2402.1. Utilization of Capitol Annex. (a) The~~
4 ~~Department of General Services shall hereby grant exclusive use~~
5 ~~of the Capitol Annex Building, also known as the Old Museum~~
6 ~~Building, to the House of Representatives.~~

7 ~~(b) [The Speaker of the House of Representatives shall~~
8 ~~allocate the space in the Capitol Annex Building, also known as~~
9 ~~the Old Museum Building, for such legislative purposes as he~~
10 ~~deems necessary.] The Bipartisan Management Committee of the~~
11 ~~House of Representatives shall hereafter have the authority to~~
12 ~~change the allocation of space in the Capitol Annex Building and~~
13 ~~may allocate and reallocate that space for such legislative~~
14 ~~purposes as it deems necessary.~~

15 ~~(c) Notwithstanding any other provision of law to the~~
16 ~~contrary, the Capitol Annex Building, also known as the Old~~
17 ~~Museum Building, shall be used for the legislative purposes of~~
18 ~~the House of Representatives and not for administrative offices.~~

19 ~~(d) The Department of General Services shall commence and~~
20 ~~complete the repair and renovation of the Capitol Annex~~
21 ~~Building, also known as the Old Museum Building, on an expedited~~
22 ~~basis.~~

23 Section 5 4. Nothing in the act of May 21, 1943 (P.L.595,
24 No.259), entitled, as amended, "An act authorizing the
25 Department of Property and Supplies to establish, operate and
26 maintain restaurants, as herein defined, creating a revolving
27 fund for this purpose, to be known as The State Restaurant Fund;
28 and providing additional duties for the State Treasurer and the
29 Department of Health in connection therewith," shall be
30 construed to deny or prohibit the operation of any refreshment

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1 stand in the State Capitol or other State office building by a
2 blind person under the provisions of subarticle (b) or (c) of
3 Article XXII of the act.

4 Section 6 5. (a) The subjects of transfer of the Department ←
5 of Public Welfare relating to Article VIII of the act of June
6 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and
7 the act of December 16, 1986 (P.L.1641, No.187), known as the
8 Little Randolph-Sheppard Act, are transferred to the Department
9 of Labor and Industry with the same force and effect as if they
10 had originally belonged to the Department of Labor and Industry.

11 (b) The civil service or other employment status of
12 employees of the Department of Public Welfare transferred by
13 subsection (a) shall not be affected by the transfer.

14 (c) As used in this section, the term "subjects of transfer"
15 means personnel, appropriations, allocations, documents,
16 records, equipment, materials, rights and obligations, utilized
17 or accruing in connection with transferred functions.

18 Section 7 6. (a) Section 2 of Reorganization Plan No. 3 of ←
19 1977 (P.L.373), is rescinded.

20 (b) Section 3 of Reorganization Plan No. 3 of 1977
21 (P.L.373), is rescinded insofar as it is inconsistent with this
22 act.

23 Section 8 7. (a) The following acts and parts are acts are ←
24 repealed:

25 Section 301.1(i)(2) of the act of April 9, 1929 (P.L.343,
26 No.176), known as The Fiscal Code.

27 The second paragraph of section 6 of the act of May 21, 1943
28 (P.L.595, No.259), entitled, as amended "An act authorizing the
29 Department of Property and Supplies to establish, operate and
30 maintain restaurants, as herein defined, creating a revolving

1 fund for this purpose, to be known as The State Restaurant Fund;
2 and providing additional duties for the State Treasurer and the
3 Department of Health in connection therewith."

4 Article VIII of the act of June 13, 1967 (P.L.31, No.21),
5 known as the Public Welfare Code.

6 Act of December 16, 1986 (P.L.1641, No.187), known as the
7 Little Randolph-Sheppard Act.

8 (b) The following acts and parts of acts are repealed to the
9 extent specified:

10 As much as relates to the Advisory Committee for the Blind in
11 the Department of Public Welfare in sections 203, 448(1) and
12 2328 of the act of April 9, 1929 (P.L.177, No.175), known as The
13 Administrative Code of 1929.

14 Section 9 8. This act shall take effect July 1, 1999, or ←
15 immediately, whichever is later.