

No. 1999-15

AN ACT

SB 970

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing a bureau within the Department of Corrections; providing for the administration of inmate training and education; establishing an Inmate Education Advisory Committee; providing for the transfer and retirement membership of certain employees; providing for investment powers of the Treasury Department; providing for a Supplemental Agricultural Conservation Easement Purchase Program in the Department of Agriculture; transferring functions relating to services for individuals who are blind or visually impaired; affecting certain reorganization plans; and making repeals.

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

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

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

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

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

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

- (1) Provision of education and training.**
- (2) Staff supervision to include staff discipline in accordance with applicable collective bargaining agreements, department policies and principles of due process.**
- (3) Curriculum and program development and related matters.**

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

Section 907-B. Funding.—*Funding for the operation of the bureau established under section 905-B shall be included in the line item for inmate education and training in the General Appropriations Act.*

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

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

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

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

Section 911-B. Advisory Committee.—*(a) An Inmate Education Advisory Committee is hereby established to advise and make recommendations to the Department of Corrections regarding the provision of inmate education and training.*

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

(1) The Secretary of Corrections or a designee.

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

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

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

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

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

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

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

(c) (1) Teachers and other certified staff providing inmate education and training for school-age and adult inmates shall be considered professional employes working in an educational setting under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," and under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 403(b)) regarding entitlement to tax benefits.

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

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

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

Section 913-B. Retirement.—(a) An employe who is transferred under section 908-B and who on the effective date of this section participates in an independent retirement program approved by the Department of Education under 24 Pa.C.S. § 8301(a)(1) (relating to mandatory and optional membership) or 71 Pa.C.S. § 5301(a)(12) (relating to mandatory and optional membership) or is a member of the Public School Employees' Retirement System under 24 Pa.C.S. § 8301(a)(1) or 71 Pa.C.S. § 5301(a)(12) shall be deemed to be a school employe under 24 Pa.C.S. Pt. IV (relating to retirement for school employes) or 71 Pa.C.S. Pt. XXV (relating to retirement for State employes and officers) and shall continue to participate in the authorized independent retirement program or the Public School Employees' Retirement System, as the case may be. The Department of Corrections shall approve the program as an independent retirement program under 71 Pa.C.S. § 5301(a)(12) for participating

transferred employes. The department shall be considered an employer, as defined under 24 Pa.C.S. § 8102 (relating to definitions), of a transferred employe who is a member of the Public School Employees' Retirement System.

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

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

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

(2) The election shall be made within ninety (90) days of the effective date of this section but before termination of school service by submitting an election form to the personnel officer of the department. The date the election is submitted to the department shall be the effective date of the election. The department shall notify both the Public School Employees' Retirement System and the State Employees' Retirement System of the election.

(3) If a member elects to transfer credited service from the Public School Employees' Retirement System to the State Employees' Retirement System, all classes of school and nonschool service credited in the Public School Employees' Retirement System shall be transferred to the State Employees' Retirement System and credited in the appropriate classes of State and nonstate service, respectively. School service which would have been service as a corrections officer as defined in 71 Pa.C.S. § 5102 (relating to definitions) had the employe been a member of the State Employees' Retirement System at the time it was performed shall be credited as corrections officer service. Transferred service shall no longer be considered school or nonschool service for any purpose, but shall be considered State and nonstate service for all purposes. Within sixty (60) days of an election under this subsection, the Public School Employees' Retirement System shall transfer to the State Employees' Retirement System for each transferred member the total accumulated member contributions and statutory interest, plus an amount equal to the value of all annual employer contributions with interest at the annual rate adopted by the State Employees' Retirement Board for the calculation of the normal contribution rate under 71 Pa.C.S. § 5508(b) (relating to actuarial cost method), from the date of each contribution to the date of the transfer of

the funds to the State Employees' Retirement Board. A debt to the Public School Employees' Retirement System shall be transferred to the State Employees' Retirement System and shall be paid in a manner and in accordance with conditions prescribed by the State Employees' Retirement Board.

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

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

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

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

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

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

(1) Equity securities.

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

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

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

(1) Except as provided in clauses (2) and (3), funds may be allocated to eligible counties in accordance with section 14.1(h)(8.1) and (8.2) of the act

of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," for any purpose authorized under that act.

(2) For the fiscal year July 1, 1999, to June 30, 2000, up to five hundred thousand dollars (\$500,000) may be allocated to provide technical assistance to eligible counties or groups of eligible counties regarding long-term installment purchases of agricultural conservation easements in this Commonwealth. Eligible counties shall file an application with the State Agricultural Land Preservation Board to receive reimbursement or payment under this clause. Technical assistance may include department contracts with individuals with legal or financial expertise to assist eligible counties under this clause. Funds may be used for administrative expenses of the department incurred under this clause. Funds allocated under this clause may be spent over a period of two (2) years.

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

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

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

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

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

(b) An account is established in the Agricultural Conservation Easement Purchase Fund created under section 14.2¹ of the "Agricultural Area Security Law," to be known as the Supplemental Agricultural Conservation Easement Purchase Account. All funds appropriated to the Supplemental

¹"7.2" in enrolled bill.

Agricultural Conservation Easement Purchase Program shall be deposited in the account for allocation under this section.

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

(d) Within sixty (60) days of the effective date of this section, and in subsequent years within sixty (60) days of the effective date of any additional appropriations to the program, eligible counties shall be authorized to appropriate additional local moneys for the purchase of agricultural conservation easements for the current county fiscal year. These additional local moneys shall be included when determining each eligible county's share of money allocated under this section for supplemental agricultural easement purchase programs pursuant to methodologies in section 14.1(h)(8.1) and (8.2) of the "Agricultural Area Security Law."

Section 2. Article XXII of the act is amended by adding a subarticle heading to read:

ARTICLE XXII

POWERS AND DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY, ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND DEPARTMENTAL ADMINISTRATIVE OFFICERS

(a) General Provisions

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

(b) Services for the Blind and Visually Impaired

Section 2221. Definitions.—As used in this subarticle, the following words and phrases shall have the meanings given to them in this section: "Advisory committee" shall mean the Advisory Committee for the Blind established in section 2225.

"Blind person" shall mean a person:

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

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

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

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

“Committee” shall mean the Committee of Blind Vendors established in section 2233.

“Department” shall mean the Department of Labor and Industry of the Commonwealth.

“Fund” shall mean the Employment Fund for the Blind established in section 2223.

“Licensee” shall mean an individual licensed under section 2235.

“Rental fee” shall mean the fee fixed by the bureau and the committee for the rental of the snack bar location and equipment.

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

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

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

(3) institutions of the Department of Corrections.

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

“Vending machine income” shall mean either of the following:

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

(2) Commissions paid other than to a licensee by a commercial vending concern which operates, services or maintains vending machines on State property for or with the approval of the department.

Section 2222. Department.—The department has the following powers and duties:

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

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

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

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

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

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

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

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

(6) To take any action and to adopt regulations necessary to facilitate the operation of this subarticle and subarticle (c) and, in furtherance of those objectives, to accept any grants or contributions from the Federal Government or any Federal agency.

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

(b) The fund shall be used by the department in carrying out the purposes specified in this subarticle and subarticle (c). This subsection includes all of the following:

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

(2) Purchase initial stock and supplies.

(3) Provide training services.

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

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

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

Section 2224. Business Enterprises; Equipment; Leases; Repayment.—(a) The department is authorized to purchase, own, install, maintain, license and lease equipment, accessories and vending machines to be used for suitable business enterprises for or on behalf of the blind and to advance to deserving blind persons out of money in the fund reasonable amounts as proper to enable blind persons to purchase the merchandise, equipment, stock and accessories necessary to put into operation a vending or refreshment stand or other suitable business enterprises in some suitable location to be leased or arranged for by the department. Pennsylvania blind veterans of the world wars shall be given first preference for locations established in accordance with the provisions of the Randolph-Sheppard Act (49 Stat. 1559, 20 U.S.C. § 107 et seq.) and the regulations pursuant to that act.

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

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

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

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

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

Section 2225. Advisory Committee for the Blind.—(a) There is established an Advisory Committee for the Blind within the department.

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

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

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

(2) The advisory committee shall elect a chairperson.

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

(c) Little Randolph-Sheppard

Section 2231. Short Title of Subarticle.—This subarticle shall be known and may be cited as the “Little Randolph-Sheppard Act.”

Section 2232. Definitions.—The definitions in section 2221 shall apply to this subarticle.

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

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

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

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

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

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

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

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

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

(1) Consider and respond to grievances of licensees.

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

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

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

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

Section 2235. Licensing.—(a) The bureau may issue a license for the operation of a vending facility only to a blind person who is a resident of this Commonwealth; who qualifies for a license under the Randolph-Sheppard Act (49 Stat. 1559, 20 U.S.C. § 107 et seq.); and who is able, after successfully completing all necessary training, to operate a vending facility. Each license shall be for an indefinite period but may be terminated or suspended if, after affording the licensee an opportunity for

an appeal under section 2240 to the bureau and the committee, it is determined that the facility is not being operated in accordance with this subarticle.

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

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

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

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

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

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

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

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

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

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

(b) If, on the effective date of this subarticle, a vending facility is being operated on State property by a person other than a licensee, when the present contract expires, is terminated or comes up for renewal or upon a change of the maintenance, operation and protection of the property, the person in control shall notify the bureau and attempt to make an agreement with the bureau for a licensee to operate the vending facility. If the bureau determines that a vending facility operated by a full-time licensee is not feasible on State property, the business enterprises program may install vending machines on the property with income accruing under section 2234(a)(6). The contract for the operation of a vending facility shall specify that it shall be operated at a reasonable cost consistent with a fair return, high-quality food products or service and reasonable prices.

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

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

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

Section 4. Nothing in the act of May 21, 1943 (P.L.595, No.259), entitled, as amended, "An act authorizing the Department of Property and Supplies to establish, operate and maintain restaurants, as herein defined, creating a revolving fund for this purpose, to be known as The State Restaurant Fund; and providing additional duties for the State Treasurer and the Department of Health in connection therewith," shall be construed to deny or prohibit the operation of any refreshment stand in the State Capitol or other State office building by a blind person under the provisions of subarticle (b) or (c) of Article XXII of the act.

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

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

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

Section 6. (a) Section 2 of Reorganization Plan No. 3 of 1977 (P.L.373) is rescinded.

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

Section 7. (a) The following acts and parts are repealed:

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

The second paragraph of section 6 of the act of May 21, 1943 (P.L.595, No.259), entitled, as amended, "An act authorizing the Department of Property and Supplies to establish, operate and maintain restaurants, as herein defined, creating a revolving fund for this purpose, to be known as The State

Restaurant Fund; and providing additional duties for the State Treasurer and the Department of Health in connection therewith.”

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

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

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

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

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

APPROVED—The 22nd day of June, A.D. 1999.

THOMAS J. RIDGE