

No. 362

AN ACT

HB 1937

Providing for aid for certain mentally retarded and developmentally disabled persons; imposing duties on certain employers and the Commonwealth relating to guarantees and leases; and imposing duties on the Department of Environmental Resources, Department of Public Welfare and Department of Health.

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

Section 1. Short Title.—This act shall be known as and may be cited as the “Parklands Payback Pilot Project Act.”

Section 2. Applicability of Act.—The provisions of this act shall apply only to the site as designated herein on Commonwealth-owned land at the Otocsin Interchange No. 18 of I-80.

Section 3. Definitions.—As used in this act the following words and terms shall be construed as defined in this section, except where a different intent is plainly apparent from the context thereof:

(1) “Site” means the leased area at the Otocsin Interchange No. 18 of I-80 on Commonwealth-owned land.

(2) “Worker” means mentally retarded or otherwise developmentally disabled persons employed at the Otocsin Development.

(3) “Developer” means a private licensee, concessionaire, entrepreneur, or other designee who is to construct, operate and manage designated facilities on the leased premises.

(4) “Habilitator” means the entity that will operate the living units for the workers and any other facilities at the site for the workers’ care and training, and habilitation, as these relate to work adjustment and community adjustment.

Section 4. Purpose of This Act.—The purpose of this act is to aid certain mentally retarded and otherwise developmentally disabled persons to become self-sustaining citizens, in conjunction with development of tourist and recreational accommodations on lands owned by the Commonwealth of Pennsylvania.

Section 5. Developer Guarantee.—The developer shall guarantee the Commonwealth that he will employ workers who are available for all jobs for which they are qualified, acting on referrals of workers through established agencies and institutions of the Commonwealth. The specific jobs to be filled shall be established by the habilitator in conjunction with the developer, the Department of Public Welfare and Parklands Payback, Inc. Leases or other contractual arrangements shall enumerate specific job descriptions for jobs designated for the workers, and shall include a plan defining the developer-worker relationship to include hiring, firing,

and other pertinent considerations such as funds for the habilitator's staff, workers' salaries or wages and rental provisions, and sharing of developer profits with the State. Failure to comply and maintain compliance with the provisions of this act as they involve the developer-worker relationship or other duties imposed upon the developer under this act shall constitute breach of lease with resulting penalties and/or cancellation, as set forth in the lease.

Section 6. Commonwealth to Guarantee no Competition for Three Years.—The Commonwealth shall guarantee the developer that for a period of three years after the beginning of operation of the facilities that no similar or competing business or businesses will be established at Otocsin Interchange No. 18 of US I-80 on Commonwealth-owned land without the developer having a right of first refusal to develop such business or businesses. The Commonwealth may lease other Commonwealth-owned land at this interchange to other developers within the three-year period, provided that such developers conform to section 5 and other provisions of this act which relate to employment and accommodation of workers as herein defined.

Section 7. Commonwealth to Lease Land.—The Commonwealth shall lease to developer, an area at the intersection of US I-80 and Route 153 for a term of thirty-five years during and at the end of which time the developer shall have proprietary rights on the facilities developed by him.

Section 8. Developer's Duties.—The developer shall operate for profit on the leased premises a lodge, restaurant, auto service station and such other facilities as may be feasibly undertaken by the developer, provided that all facilities meet the conditions of sections 4 and 5 of this act and be approved by the Department of Environmental Resources.

Section 9. Developer to Construct and Maintain Living Quarters.—The developer shall have the responsibility for the construction and maintenance of living quarters on the site for workers, said facilities to meet licensing requirements, and with plans and specifications approved by the Department of Environmental Resources.

Section 10. Habilitator to Manage Living Quarters.—The habilitator shall be designated by the Department of Public Welfare in conjunction with the developer and Parklands Payback, Inc. The habilitator shall manage the living quarters, arrange for training, recreational and related programs, and provide living management supervision for the workers. The habilitator may be comprised of, but not limited to, Transitional Services, Inc. or Goodwill Industries of North Central Pennsylvania, Inc. The habilitator shall have the overall responsibility for the direction and supervision of these activities, as well as the responsibility for coordination of these activities as they relate to the developer's interest. The habilitator shall periodically make reports to the Department of Public Welfare in accordance with the rules and procedures established by the department.

Section 11. Medical Supervision of Workers.—The medical

supervision of workers shall be a part of the living management supervision and shall be under the direction of a physician.

Section 12. Control of Physical Site.—The Department of Environmental Resources of the Commonwealth shall have control of the physical site, and any expansion of the facilities subsequent hereto. Conditions and responsibilities for development and control of the physical site shall be made a part of the lease agreement of the developer and the Commonwealth.

Section 13. Workers Unable to Adapt.—Any worker who is unable to perform in the service jobs in which he has been tried or is unable to socially adapt to the living situation at the site will become the responsibility of the Department of Public Welfare or its designees and shall be returned by the habilitator to the worker's agency of original responsibility.

Section 14. Workers to be Paid.—The workers shall be paid by the developer at a rate equal to the prevailing wage rate in the area for the same or similar type work but in no case shall the wage be less than the Commonwealth minimum wage.

Section 15. Effective Date.—This act shall take effect immediately.

APPROVED—The 29th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 362.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.