

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2648 Session of
1986

INTRODUCED BY FREEMAN, IRVIS, BRANDT, MORRIS, J. L. WRIGHT,
ACOSTA, RYBAK, YANDRISEVITS, DAWIDA, PRESSMANN, KOSINSKI,
FISCHER, KUKOVICH, GRUPPO, McHALE, JOHNSON, COY, TRELLO,
NAHILL, WAMBACH, COHEN, BELARDI AND COWELL, JUNE 23, 1986

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 23, 1986

AN ACT

1 Establishing the Pennsylvania Heritage Affairs Commission and
2 prescribing its powers and duties; establishing the Cultural
3 Heritage Board and prescribing its powers and duties;
4 imposing duties on local political subdivisions of this
5 Commonwealth; authorizing the creation of local cultural
6 heritage authorities; providing for cultural heritage project
7 areas; and making an appropriation.

8 The General Assembly finds as follows:

9 (1) Section 27 of Article I of the Constitution of
10 Pennsylvania makes the Commonwealth trustee for the
11 preservation of historic value of this Commonwealth.

12 (2) The diverse cultural and ethnic heritage of
13 Pennsylvania has significantly contributed to the development
14 and growth of this Commonwealth and the United States.

15 (3) The identification, protection and preservation of
16 this Commonwealth's cultural and ethnic heritage promotes the
17 public health, prosperity and general welfare.

18 (4) It is in the public interest for this Commonwealth,
19 its citizens and its local political subdivisions to develop

comprehensive programs to identify, conserve, perpetuate and promote the diverse cultural and ethnic heritage of Pennsylvania for the enjoyment, education and inspiration of all the people, including future generations.

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

Section 1. Short title.

This act shall be known and may be cited as the Heritage Affairs Act.

Section 2. Definitions.

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

"American civilization historian." A graduate or preeminently recognized authority in the history and development of culture within the United States.

"Archaeologist." A qualified professional with a graduate degree in archaeology or a closely related field with specialized experience in research, field work and analysis.

"Board." The Cultural Heritage Board as provided for in this act.

"Commission." The Pennsylvania Heritage Affairs Commission as provided for in this act.

"Commissioner." A member of the commission.

"Cultural and ethnic heritage resources." An entity that represents a particular form or stage of civilization.

"Cultural heritage project area" or "project area." An area designated by a local political subdivision, with the approval of the commission, in which a concentrated effort is planned to restore, preserve and promote the cultural heritage of the area

1 according to the provisions of this act.

2 "Cultural resource management plan." An adopted plan that
3 specifies a process for the identification, protection,
4 conservation, preservation, interpretation and promotion of
5 cultural resources within a community or communities.

6 "Educator." An educator associated with a governmental
7 agency who has demonstrable experience, ability and involvement
8 in planning, developing and implementing comprehensive
9 multiethnic, multicultural educational projects and programs
10 with interagency cooperation on local, regional and Statewide
11 levels.

12 "Folklife specialist." A graduate and recognized authority
13 in the folklife cultures within the United States.

14 "Folklorist." A graduate and recognized authority in the
15 folklore cultures within the United States.

16 "Historic commercial and industrial practitioner." An
17 individual who has a demonstrated involvement with a commercial
18 or industrial practice related to the historic workplace
19 heritage of this Commonwealth.

20 "Historic preservation architect." A registered architect
21 who is primarily concerned with the historic preservation
22 process and who has special training and knowledge in early
23 building techniques. A historic preservation architect is
24 qualified to determine the original fabric and later additions
25 and changes to a structure, and to interpret findings for
26 clients and specialists involved in a historical preservation
27 project.

28 "Historic preservationist." A preeminently recognized
29 authority in the preservation of historic structures with expert
30 knowledge about the stabilization, maintenance and restoration

1 of a structure without adversely affecting its fabric,
2 appearance or architectural integrity.

3 "Identified traditional craftsman." An individual who has
4 a demonstrated involvement in a traditional craft related to the
5 folk and craft traditions of this Commonwealth.

6 "Planner." An individual with a graduate degree in planning
7 who is a preeminently recognized authority in planning with a
8 demonstrated sensitivity to historic and cultural resources.

9 Section 3. Pennsylvania Heritage Affairs Commission.

10 (a) Membership.--There is hereby established the
11 Pennsylvania Heritage Affairs Commission, composed of not less
12 than 13 members. The membership shall consist of the following:

13 (1) Nine citizens of this Commonwealth appointed by the
14 Governor.

15 (2) Two members of the Senate, one from the majority
16 party and one from the minority party, appointed by the
17 President pro tempore.

18 (3) Two members of the House of Representatives, one
19 from the majority party and one from the minority party,
20 appointed by the Speaker of the House.

21 (b) Members as representative of various communities.--The
22 members shall be broadly representative of the ethnic and
23 cultural communities of this Commonwealth, and shall further
24 represent a true and even distribution of the various geographic
25 areas, including both urban and rural community interests, as
26 much as possible.

27 Section 4. Terms of commissioners, vacancies, quorum, etc.

28 (a) Terms.--The Governor shall initially appoint four
29 members of the commission for terms of two years and five
30 members for terms of four years. Thereafter, the terms of all

1 commissioners appointed by the Governor shall be for four years.
2 All commissioners appointed by the President pro tempore of the
3 Senate and the Speaker of the House of Representatives shall
4 serve for two years. Their terms shall correspond with the
5 beginning and close of each regular session of the General
6 Assembly.

7 (b) Vacancies.--Any appointments to fill vacancies created
8 by the resignation, removal or death of a commissioner shall be
9 for the unexpired term of the vacancy.

10 (c) Quorum.--A majority of the commissioners shall
11 constitute a quorum for conducting official business of the
12 commission.

13 (d) Chairperson.--The Governor shall appoint a chairperson
14 of the commission from among its membership. The chairperson
15 shall serve for two years and the term shall correspond with the
16 beginning and close of each regular session of the General
17 Assembly.

18 (e) Compensation.--Members of the commission shall serve
19 without compensation, other than reimbursement for actual and
20 necessary expenses incurred in the performance of their duties
21 in accordance with the regulations of the Executive Board.

22 Section 5. Powers and duties of commission.

23 The commission shall have the following powers and duties:

24 (1) Coordinate government and nongovernment programs and
25 activities relating to or affecting the ethnic and cultural
26 heritage of groups, individuals, institutions, organizations
27 or communities in general.

28 (2) Participate in the activities of ethnic and cultural
29 heritage groups and institutions.

30 (3) Commemorate historical events and officially

1 recognize outstanding accomplishments and contributions to
2 this Commonwealth by individuals or organizations within the
3 ethnic and cultural communities of this Commonwealth.

4 (4) Sponsor and promote events and projects that will
5 increase the knowledge and appreciation of the contributions
6 to our society by ethnic and cultural organizations,
7 individuals and communities.

8 (5) Establish and maintain associations with ethnic and
9 cultural organizations within this Commonwealth.

10 (6) Take final action on recommendations by the board
11 for the designation of cultural heritage project areas and
12 the funding of projects within the project areas.

13 (7) Take final action on recommendations by the board
14 for grants to individuals or organizations to educate the
15 public or promote awareness of the cultural heritage within
16 the communities of this Commonwealth.

17 (8) Solicit, receive and utilize funds from any public
18 or private source to promote awareness of the ethnic and
19 cultural heritage of this Commonwealth.

20 (9) Provide technical and financial assistance to public
21 officials and private individuals or organizations engaged in
22 ethnic and cultural awareness activities.

23 (10) Acquire easements in ethnically or culturally
24 related properties and resources by gift, purchase, devise,
25 bequest or any other lawful transfer when acquisition is
26 necessary for the preservation of the property or resources.

27 (11) Contract with public officials, agents or other
28 states, private individuals and organizations for ethnic or
29 cultural heritage educational and preservation purposes.

30 (12) Rent or lease properties and resources for ethnic

1 and cultural heritage educational or preservation purposes.

2 (13) Issue appropriate regulations for the
3 implementation of this act.

4 (14) Hire an executive director to administer the
5 programs of the commission and any other personnel as may be
6 necessary to assist the executive director, the commission
7 and the board.

8 Section 6. Cultural Heritage Board.

9 There is hereby established a Cultural Heritage Board
10 composed of not less than 17 members, as follows:

11 (1) Ten citizens of this Commonwealth appointed by the
12 Governor. These members shall include at least one member
13 with demonstrated competence in each of the following
14 disciplines: American civilization historian, archaeologist,
15 educator, folklife specialist, folklorist, historic
16 commercial or industrial practitioner, historic
17 preservationist, historic preservation architect, identified
18 traditional craftsman and planner.

19 (2) A member of the Pennsylvania Historical and Museum
20 Commission, a member of the Pennsylvania Heritage Affairs
21 Commission and a member of the Commonwealth of Pennsylvania
22 Council on the Arts who shall be designated by a majority
23 vote of the respective commissions and council.

24 (3) Two members of the Senate, one from the majority
25 party and one from the minority party, appointed by the
26 President pro tempore.

27 (4) Two members of the House of Representatives, one
28 from the majority party and one from the minority party,
29 appointed by the Speaker of the House.

30 Section 7. Terms of board members, vacancies, quorum, etc.

1 (a) Terms.--The Governor shall initially appoint five
2 members of the board for terms of two years and five members for
3 terms of four years. Thereafter, the terms of all board members
4 appointed by the Governor shall be for four years. Board members
5 from the Pennsylvania Historical and Museum Commission, the
6 Pennsylvania Heritage Affairs Commission and the Commonwealth of
7 Pennsylvania Council on the Arts shall serve until the
8 respective commissions and council appoint a replacement. The
9 board members appointed by the President pro tempore of the
10 Senate and the Speaker of the House of Representatives shall
11 serve for two years. Their terms shall correspond with the
12 beginning and close of each regular session of the General
13 Assembly.

14 (b) Vacancies.--Any appointments to fill vacancies created
15 by the resignation, removal or death of a board member shall be
16 for the unexpired term of the vacancy.

17 (c) Quorum.--A majority of the board members shall
18 constitute a quorum for conducting official business of the
19 board.

20 (d) Chairperson.--A chairperson shall be chosen by a
21 majority vote of the board members present at the organizational
22 meeting. The chairperson shall serve for a term of two years. A
23 vote for chairperson shall occur in January of odd-numbered
24 years, except in the initial organizational meeting of the
25 board.

26 (e) Compensation.--Members of the board shall serve without
27 compensation, other than reimbursement for actual and necessary
28 expenses incurred in the performance of their duties, in
29 accordance with the regulations of the Executive Board.

30 Section 8. Powers and duties of board.

1 The board shall have the following powers and duties:

2 (1) Review and make recommendations to the commission
3 for the approval or rejection of applications by local
4 political subdivisions for the designation of project areas.

5 (2) Review and make recommendations to the commission
6 for the approval or rejection of applications for funding
7 projects in project areas, including the following
8 categories: research and surveys; educational conferences and
9 projects; publications and films; improvements to real
10 properties and culturally significant sites; acquisitions of
11 properties; and acquisitions of culturally significant
12 artifacts, papers and collections.

13 (3) Review and make recommendations to the commission
14 for grants to individuals and organizations for projects in
15 the following categories: research; publishing articles,
16 pamphlets or books; developing and preparing promotional
17 materials; developing and preparing displays; and developing
18 and preparing films.

19 Section 9. Cultural heritage project areas.

20 (a) Nomination of areas.--The governing bodies of local
21 political subdivisions of this Commonwealth are hereby
22 authorized to nominate identified cultural heritage project
23 areas for approval and designation by the commission.

24 (b) Criteria for nomination.--Project areas nominated for
25 designation must contain the following criteria:

26 (1) Documented evidence of cultural heritage resources
27 of a tangible or intangible nature that deserves
28 identification, study and conservation.

29 (2) A strong local identification and commitment to
30 identifying and conserving cultural heritage.

1 (3) A commitment by local agencies to developing a
2 specific cultural resource management plan and community
3 education process to promote the plan.

4 (4) A commitment by local agencies to review current
5 policies of the local political subdivision with regard to
6 the act of June 13, 1961 (P.L.282, No.167), entitled "An act
7 authorizing counties, cities, boroughs, incorporated towns
8 and townships to create historic districts within their
9 geographic boundaries; providing for the appointment of
10 Boards of Historical Architectural Review; empowering
11 governing bodies of political subdivisions to protect the
12 distinctive historical character of these districts and to
13 regulate the erection, reconstruction, alteration,
14 restoration, demolition or razing of buildings within the
15 historic districts," and the act of July 31, 1968 (P.L.805,
16 No.247), known as the Pennsylvania Municipalities Planning
17 Code, whenever applicable, and to incorporate those policies
18 in the local cultural resource management plan.

19 (5) A commitment by local agencies to review land use
20 plans within the proposed project area and to promote
21 environmentally sound public and private development within
22 the project area.

23 (c) Benefits to designated areas.--Designated project areas
24 shall be eligible for any benefits and protections provided for
25 in this act, including, but not limited to, the following:

26 (1) Eligibility for financial and technical assistance
27 from the commission.

28 (2) Protection from environmentally unsound public and
29 private development within project areas according to the
30 cultural resource management plan, any provisions of this act

1 and any ordinances adopted by the affected local political
2 subdivisions.

3 Section 10. Local cultural heritage authorities.

4 (a) Establishment.--

5 (1) The governing bodies of local political subdivisions
6 of this Commonwealth are hereby authorized to establish local
7 cultural heritage authorities to assist in the development
8 and administration of project areas. When it is deemed in the
9 public interest by adjoining local political subdivisions,
10 agreements may be reached between two or more local political
11 subdivisions for the establishment of project areas which
12 include areas from all of the participating political
13 subdivisions.

14 (2) Except where otherwise inconsistent with this act,
15 these authorities shall be organized under the act of May 2,
16 1945 (P.L.382, No.164), known as the Municipality Authorities
17 Act of 1945.

18 (b) Powers and duties.--The local cultural heritage
19 authority shall have the following powers and duties, subject to
20 the approval of the governing bodies of the local political
21 subdivisions:

22 (1) Conduct surveys and research in areas where there
23 are strong indications that tangible and intangible cultural
24 heritage resources exist.

25 (2) Develop a comprehensive cultural resource management
26 plan to be integrated with the community development programs
27 of the affected communities.

28 (3) Recommend specific areas for designation as project
29 areas.

30 (4) Hire appropriate personnel for the development and

1 administration of the cultural resource management plan and
2 project areas.

3 (5) Develop plans and programs to educate the community
4 of its cultural heritage as part of a total community
5 education process plan.

6 (6) Raise funds, as permitted by State and Federal law,
7 for projects and programs within project areas.

8 (7) Acquire fee and lesser interest in cultural heritage
9 properties, including adjacent or associated lands, by
10 purchase, bequest or devise and preserve, restore, maintain
11 and operate such properties.

12 (8) Lease, sell and otherwise transfer or dispose of
13 cultural heritage properties, subject to rights of public
14 access and other covenants and in a manner that will preserve
15 and perpetuate the cultural heritage of the property.

16 (9) Contract with private or public organizations and
17 agencies for the purposes of cultural resource management
18 activities.

19 Section 11. Interagency cooperation.

20 All agencies, departments, bureaus, commissions,
21 instrumentalities, agents or employees of the Commonwealth
22 shall:

23 (1) Consult with the commission before demolishing,
24 altering or transferring any property under their
25 jurisdiction that may have significance to the ethnic or
26 cultural heritage of an area.

27 (2) Seek the advice of the commission on possible
28 alternatives to the demolition, alteration or transfer of
29 property under their jurisdiction that is or may be within a
30 designated project area.

1 (3) Institute procedures and policies to assure that
2 their plans, programs, codes, regulations and activities
3 contribute to the conservation and enhancement of all ethnic
4 and cultural heritage resources in this Commonwealth.

5 (4) Provide technical and financial assistance, when
6 desirable and feasible, for the development, implementation,
7 administration and enhancement of the cultural resource
8 management plans of the communities of this Commonwealth.

9 Section 12. Appropriation and use of funds.

10 (a) Amount.--The sum of \$750,000, or as much thereof as may
11 be necessary, is hereby appropriated to the commission to carry
12 out the provisions of this act for the fiscal period commencing
13 immediately following the effective date of this act.

14 (b) Allocation to local authorities.--The sum of \$300,000
15 shall be allocated from the appropriation in subsection (a) for
16 direct technical and financial assistance to local cultural
17 heritage authorities for the development, implementation,
18 administration and enhancement of cultural resource management
19 plans, subject to the limitations provided for in this act.

20 Section 13. Effective date.

21 This act shall take effect immediately.