

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2177 Session of 2014

INTRODUCED BY JAMES, SWANGER, MILLARD, BARRAR, STERN, GINGRICH, SAYLOR, HARPER, BOBACK, R. MILLER, LONGIETTI, BAKER, SCHREIBER, KAUFFMAN, GODSHALL, REED, MAJOR, QUINN, MARSHALL, GIBBONS, CARROLL, HAGGERTY, HEFFLEY, PETRI, PICKETT, FLYNN, HARHART, KAVULICH, REESE, FARINA, MURT, LUCAS, FLECK, REGAN, CALTAGIRONE, CAUSER, PAINTER, HENNESSEY, NEILSON, ROZZI, ROEBUCK, TOPPER, PEIFER AND SONNEY, APRIL 10, 2014

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 9, 2014

AN ACT

1 Establishing the Heritage Area Program to identify, protect,
2 enhance and promote the historic, recreational, natural,
3 cultural and scenic resources of this Commonwealth and to
4 stimulate community revitalization and economic development
5 through regional heritage conservation, recreation, tourism
6 and partnerships; and repealing provisions in the Fiscal Code
7 relating to heritage areas.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Heritage Area
12 Program Act.

13 Section 2. Declaration of policy.

14 The General Assembly finds and declares as follows:

15 (1) The act of June 28, 1995 (P.L.89, No.18), known as
16 the Conservation and Natural Resources Act, created the
17 Department of Conservation and Natural Resources and

1 empowered the department to administer State heritage  
2 conservation programs, such as the Pennsylvania Heritage  
3 Parks Program.

4 (2) The Pennsylvania Heritage Parks Program consists of  
5 heritage areas, which are multicounty regions located in this  
6 Commonwealth and designated by gubernatorial action that  
7 promotes an appreciation of the history and heritage of the  
8 regions.

9 (3) Since 1989, heritage areas assist communities in  
10 developing, restoring, preserving and conserving nationally,  
11 State and locally significant historic, cultural, natural and  
12 recreational resources through capital and programmatic  
13 investments.

14 (4) Heritage areas have successfully demonstrated the  
15 ability to create public, private and nonprofit investment  
16 partnerships leveraging significant investments for every  
17 dollar of Commonwealth funds.

18 (5) Heritage areas are a key catalyst in regions of this  
19 Commonwealth for economic growth and community development  
20 strategies and investments resulting in tourism promotion,  
21 small business development and the creation of jobs.

22 (6) The Commonwealth's program has long been recognized,  
23 studied and replicated by other states and the National Park  
24 Service as a model for successful heritage and community  
25 conservation and development.

26 (7) Due to the success of the program, a targeted effort  
27 should be made to promote this Commonwealth's heritage areas  
28 by providing dedicated funding.

29 Section 3. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 ~~"Committee." The Heritage Partnerships Advisory Committee.~~ <--

4 "Department." The Department of Conservation and Natural  
5 Resources of the Commonwealth.

6 "Heritage area." A Commonwealth-designated region, managed  
7 by a nonprofit organization or governmental entity, which  
8 conserves nationally and State significant landscapes and  
9 develops, protects, interprets and promotes its historic,  
10 cultural, natural and recreational resources to stimulate  
11 economic and community development.

12 "Program." The Heritage Area Program.

13 "Secretary." The Secretary of the Department of Conservation  
14 and Natural Resources of the Commonwealth.

15 Section 4. Heritage Area Program.

16 (a) Establishment.--The Heritage Area Program is established  
17 within the department to identify, protect, develop, enhance and  
18 promote the historic, recreational, natural, cultural and scenic  
19 resources of this Commonwealth and to stimulate community  
20 revitalization and economic development through regional  
21 heritage conservation, recreation, tourism and partnerships.

22 ~~(b) Administration. The department shall adopt guidelines~~ <--

23 (B) ADMINISTRATION.-- <--

24 (1) THE DEPARTMENT SHALL ADOPT PROGRAM GUIDELINES and  
25 policies for the implementation and administration of the  
26 program ~~with input from the nonprofit organizations or~~ <--  
27 ~~governmental entities that manage heritage areas.~~

28 (2) THE DEPARTMENT SHALL CONSULT WITH THE HERITAGE AREAS <--  
29 ON AN ANNUAL BASIS TO DISCUSS PROGRAM GOALS, GUIDELINES AND  
30 POLICIES.

1 (c) Funding.--The department shall, under subsection (f),  
2 allocate funds appropriated to the department to the program for  
3 the following purposes:

4 (1) Management, administration, operation and marketing  
5 of heritage areas.

6 (2) Planning, implementation, technical assistance and  
7 educational projects and programs related to heritage areas.

8 (3) Development, construction, rehabilitation, repair,  
9 acquisition, preservation and enhancement of lands, buildings  
10 and other structures related to heritage areas.

11 (4) Protection, documentation, interpretation and  
12 promotion of the cultural, natural, scenic, recreational and  
13 historic resources of heritage areas.

14 (5) Establishment of partnerships and coalitions of  
15 governmental and nongovernmental agencies and organizations  
16 to assist heritage areas with the implementation of  
17 management action plans.

18 (6) Any other activities deemed appropriate by the  
19 department.

20 (d) Use.--A heritage area may use the funding allocated by  
21 the department FOR THE PROGRAM to provide a grant ~~and loan~~ to <--  
22 another entity and organization, including a county,  
23 municipality, authority, nonprofit organization, other  
24 authorized organization, private sector firm and business, if  
25 the purpose of the grant ~~or loan~~ meets the requirements of <--  
26 subsection (c).

27 (e) Eligibility.--In addition to any other funding provided  
28 to a heritage area, a heritage area shall be eligible to apply  
29 for a grant and loan program administered by the department or  
30 other Federal or State agency or entity.

1 ~~(f) Amount. The department shall allocate all funds~~ <--  
2 ~~appropriated annually by the General Assembly for the program in~~  
3 ~~equal amounts to each heritage area.~~

4 (F) AMOUNT.-- <--

5 (1) THE DEPARTMENT SHALL DISTRIBUTE FUNDS TO THE PROGRAM  
6 BASED ON ESTABLISHED PROGRAM GOALS, GUIDELINES AND POLICIES.

7 (2) THE DEPARTMENT SHALL ALLOCATE ALL FUNDS APPROPRIATED  
8 ANNUALLY FOR THE PROGRAM, AND EACH STATE-DESIGNATED HERITAGE  
9 AREA SHALL RECEIVE A MINIMUM AMOUNT ESTABLISHED BY THE  
10 PROGRAM GOALS, GUIDELINES AND POLICIES.

11 (g) Administrative use.--The department may use no more than  
12 5% of the funding appropriated annually for the program for  
13 administrative purposes, including the development of a  
14 strategic plan or other appropriate initiative related to the  
15 administration of the program.

16 ~~Section 5. Heritage Partnerships Advisory Committee.~~ <--

17 ~~(a) Establishment. The department shall establish a~~  
18 ~~Heritage Partnerships Advisory Committee to provide cooperation~~  
19 ~~and coordination among other Commonwealth agencies, commissions~~  
20 ~~and organizations to promote heritage areas in this~~  
21 ~~Commonwealth.~~

22 ~~(b) Composition. The committee shall consist of the~~  
23 ~~following members:~~

24 ~~(1) Six members to be appointed by the Governor as~~  
25 ~~follows:~~

26 ~~(i) The secretary or the secretary's designee.~~

27 ~~(ii) The Secretary of Community and Economic~~  
28 ~~Development or the secretary's designee.~~

29 ~~(iii) The Secretary of Transportation or the~~  
30 ~~secretary's designee.~~

1           ~~(iv) One member from the Pennsylvania Historical and~~  
2 ~~Museum Commission.~~

3           ~~(v) One member from a heritage area.~~

4           ~~(vi) One member from the Center for Rural~~  
5 ~~Pennsylvania.~~

6           ~~(vii) One member from Preservation Pennsylvania.~~

7 ~~(2) Four members of the General Assembly as follows:~~

8           ~~(i) The chairman and minority chairman of the~~  
9 ~~Community, Economic and Recreational Development~~  
10 ~~Committee of the Senate.~~

11           ~~(ii) The chairman and minority chairman of the~~  
12 ~~Tourism and Recreational Development Committee of the~~  
13 ~~House of Representatives.~~

14       ~~(c) Chair. The secretary or the secretary's designee shall~~  
15 ~~chair the committee and shall appoint a vice chairman to chair a~~  
16 ~~committee meeting in the absence of the secretary or the~~  
17 ~~secretary's designee. The secretary shall inform the Governor if~~  
18 ~~a vacancy occurs.~~

19       ~~(d) Terms.—~~

20           ~~(1) The secretary or the secretary's designee shall~~  
21 ~~serve ex officio.~~

22           ~~(2) The following shall apply:~~

23           ~~(i) A member of the Senate and the House of~~  
24 ~~Representatives shall serve a two year term which shall~~  
25 ~~run concurrently with the term of the legislative~~  
26 ~~session.~~

27           ~~(ii) Except for a member under subparagraph (i), a~~  
28 ~~member of the committee initially appointed by the~~  
29 ~~Governor shall continue in office for terms of two or~~  
30 ~~three years from the date of appointment, as designated~~

1 ~~by the Governor at the time of the appointment.~~

2 ~~(3) A successor member of the committee shall be~~  
3 ~~appointed for a term of three years.~~

4 ~~(4) If a vacancy occurs on the committee, the Governor~~  
5 ~~shall appoint a successor to serve the duration of the~~  
6 ~~unexpired term. A person appointed to fill a vacancy for a~~  
7 ~~period of less than two years may be eligible for appointment~~  
8 ~~to a full three year term. A member who serves a full term or~~  
9 ~~fills a vacancy for a period of two years or more shall not~~  
10 ~~be eligible for reappointment until a period of three years~~  
11 ~~expires.~~

12 ~~(e) Compensation. A member shall:~~

13 ~~(1) Except as provided under paragraph (2), serve~~  
14 ~~without compensation.~~

15 ~~(2) Receive reimbursement for a reasonable and necessary~~  
16 ~~expense incurred in connection with the performance of the~~  
17 ~~member's duties.~~

18 ~~(f) Meeting and quorum. The committee shall meet at least~~  
19 ~~quarterly and at any other time designated by the secretary. A~~  
20 ~~meeting may be held anywhere within this Commonwealth. A~~  
21 ~~majority of the members of the committee shall constitute a~~  
22 ~~quorum for the transaction of business at a meeting.~~

23 ~~(g) Responsibilities. The committee shall provide the~~  
24 ~~following:~~

25 ~~(1) Expertise on a program and issue related to a~~  
26 ~~member's agency or organization as it relates to the program.~~

27 ~~(2) Assistance in obtaining additional funds through~~  
28 ~~grants and loans available from the Federal Government,~~  
29 ~~Commonwealth agencies and other sources.~~

30 ~~(3) Coordination of funding of an application for a~~

1 ~~project and program to maximize the leveraging of State funds~~  
2 ~~and the efficiency of State spending.~~

3 ~~(4) Technical assistance and guidance to the department~~  
4 ~~and each heritage area.~~

5 ~~(h) Promotion. Members of the committee are encouraged to~~  
6 ~~incorporate and promote heritage areas within the mission, goal~~  
7 ~~and priority of the member's respective agencies and~~  
8 ~~organizations and throughout this Commonwealth.~~

9 Section ~~6~~ 5. Repeal and continuation. <--

10 (a) Repeal.--Repeals are as follows:

11 (1) The General Assembly declares that the repeal under  
12 paragraph (2) is necessary to effectuate this act.

13 (2) Article XVI-J of the act of April 9, 1929 (P.L.343,  
14 No.176), known as The Fiscal Code, is repealed.

15 (b) Continuation.--This act is a continuation of Article  
16 XVI-J of The Fiscal Code. Except as otherwise provided in this  
17 act, all activities initiated under Article XVI-J of The Fiscal  
18 Code shall continue and remain in full force and effect and may  
19 be completed under this act. Orders, regulations, rules and  
20 decisions which were made under Article XVI-J of The Fiscal Code  
21 and which are in effect on the effective date of subsection (a)  
22 (2) shall remain in full force and effect until revoked, vacated  
23 or modified under this act. Contracts, obligations and  
24 collective bargaining agreements entered into under Article XVI-  
25 J of The Fiscal Code are not affected nor impaired by the repeal  
26 of Article XVI-J of The Fiscal Code.

27 Section ~~7~~ 6. Effective date. <--

28 This act shall take effect immediately.