

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1731

Session of
1987

INTRODUCED BY LINTON, MILLER AND OLIVER, SEPTEMBER 28, 1987

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 28, 1987

AN ACT

1 Amending Title 37 (Historical and Museums) of the Pennsylvania
2 Consolidated Statutes, adding provisions relating to the
3 Pennsylvania Historical and Museum Commission, publications
4 and historical societies; reestablishing the Pennsylvania
5 Historical and Museum Commission; further providing for the
6 powers and duties of the commission; abolishing certain
7 boards and commissions; and making repeals.

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25 ~~§ 703~~ § 702. Powers over certain historic property.

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

28 Section 1. Title 37 of the Pennsylvania Consolidated
29 Statutes is amended by adding chapters to read:

30 TITLE 37

HISTORICAL AND MUSEUMS

Chapter

1. General Provisions

3. Powers and Duties of Pennsylvania Historical
and Museum Commission

5. Historic Preservation

7. Historic Properties

CHAPTER 1

GENERAL PROVISIONS

Sec.

101. Short title of title.

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104. Pennsylvania Historical and Museum Commission.

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§ 101. Short title of title.

This title shall be known and may be cited as the History
Code.

§ 102. Declaration of policy.

It is hereby determined and declared as a matter of
legislative finding and policy that:

(1) Section 27 of Article I of the Constitution of
Pennsylvania makes the Commonwealth trustee for the
preservation of the historic values of the environment.

(2) The conservation of Pennsylvania's historic heritage
and the preservation of public records, historic documents
and objects of historic interest, and the identification,
restoration and preservation of architecturally and
historically significant sites and structures are duties
vested primarily in the Pennsylvania Historical and Museum

Commission.

(3) The irreplaceable historical, architectural, archaeological and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations.

(4) The preservation and protection of historic resources in this Commonwealth promotes the public health, prosperity and general welfare.

(5) The rapid social and economic development of our contemporary society threatens to destroy the remaining vestiges of our historic heritage.

(6) It is in the public interest for the Commonwealth, its citizens and its political subdivisions to engage in comprehensive programs of historic preservation for the enjoyment, education and inspiration of all the people, including future generations.

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Archaeological field investigation." The study of cultural history at any archaeological site by professionally accepted means of surveying, sampling, excavation or removal of archaeological specimens.

"Commission." The Pennsylvania Historical and Museum Commission of the Commonwealth.

"Executive director." The executive director of the commission.

1 "Historic preservation." The research, restoration,
2 rehabilitation and other activities furthering the protection,
3 enhancement, preservation or enjoyment of historic resources.

4 "Historic property." Any historical building, ground,
5 monument or cultural remain committed by statute to the custody
6 of the commission.

7 "Historic resource." A building, structure, object,
8 district, place, site or area significant in the history,
9 architecture, archaeology or culture of this Commonwealth, its
10 communities or the nation.

11 "Private historical organization." An organization
12 constituted to engage in professional or nonprofessional
13 activities within the disciplines of history, archaeology,
14 natural history, the arts or historic preservation on an
15 academic, scholarly or popular basis.

16 "Qualified historical or archaeological society." A private
17 historical or archaeological organization or other historical
18 society which satisfies the requirements provided in section 105
19 (relating to qualified historical and archaeological societies).
20 § 104. Pennsylvania Historical and Museum Commission.

21 (a) Membership.--The Pennsylvania Historical and Museum
22 Commission shall consist of the Secretary of Education, ~~ex~~ <—
23 ~~office~~ OR HIS DESIGNEE; nine citizens of this Commonwealth <—
24 appointed by the Governor; and four members of the General
25 Assembly, two from the Senate and two from the House of
26 Representatives appointed by the President pro tempore of the
27 Senate and the Speaker of the House of Representatives,
28 respectively.

29 (b) Term of office.--A member appointed from the General
30 Assembly shall serve for a term to expire with his concurrent

1 term as a legislator and shall serve until a successor is
2 appointed and qualified, unless he is not elected for the next
3 succeeding term as a member of the General Assembly, in which
4 case a vacancy shall occur. Members other than the members of
5 the General Assembly shall serve for a term of four years and
6 shall serve until a successor is appointed and qualified, BUT NO <—
7 LONGER THAN SIX MONTHS.

8 (c) Chairman.--One of the members shall be designated by the
9 Governor to serve as chairman of the commission.

10 (d) Quorum.--Eight members shall constitute a quorum.

11 (e) Attendance at meetings.--A member who fails to attend
12 three consecutive meetings shall forfeit his seat unless the
13 chairman of the commission, upon written request from the
14 member, finds that the member should be excused from a meeting
15 because of illness or the death of an immediate family member.

16 (f) Public hearings.--The commission shall hold public
17 hearings in various locations throughout this Commonwealth at
18 such places and times as it may deem appropriate.

19 (g) Executive director.--The commission shall appoint an
20 executive director who shall attend to the administrative work
21 of the commission. The executive director shall serve at the
22 pleasure of the commission, which shall fix his compensation,
23 subject to the approval of the Governor. No member of the
24 commission or person who has served as a member of the
25 commission within one year shall be eligible for appointment as
26 executive director.

27 (h) Historical Preservation Fund.--The money collected by
28 the commission from all fees, sales and other activities shall
29 be paid into the State Treasury through the Department of
30 Revenue and credited to the Historical Preservation Fund. The

1 money in the fund may be used by the commission in exercising
2 its powers and performing its duties as set forth in this title.

3 ~~(i) Powers and duties. The commission shall have the powers <—~~
4 ~~and duties set forth in this title.~~

5 ~~§ 105. Qualified historical and archaeological societies.~~

6 ~~Any historical or archaeological society in this Commonwealth~~
7 ~~shall be deemed to be a qualified historical or archaeological~~
8 ~~society if it:~~

9 ~~(1) Has at least 100 paid members, has been organized at~~
10 ~~least two years and has been incorporated as a corporation~~
11 ~~not for profit.~~

12 ~~(2) Holds at least one public meeting annually at which~~
13 ~~papers are read or discussions held on historical or~~
14 ~~archaeological subjects.~~

15 ~~(3) Has adopted a constitution and bylaws and has~~
16 ~~elected proper officers to conduct its business.~~

17 ~~(4) Has either established a museum or library in which~~
18 ~~books, documents, papers and other objects of historical and~~
19 ~~cultural interest are deposited or has made periodic~~
20 ~~publications totaling at least 25 pages each year relating to~~
21 ~~the history of this Commonwealth or of the area in which the~~
22 ~~society is located.~~

23 CHAPTER 3

24 POWERS AND DUTIES OF HISTORICAL AND MUSEUM COMMISSION

25 Sec.

26 301. General powers and duties.

27 302. Specific powers and duties.

28 303. Sites.

29 304. Personal property.

30 305. Documents.

1 306. Publications and reproductions.

2 § 301. General powers and duties.

3 The commission shall have the power and duty to:

4 (1) Serve as the official agency of the Commonwealth for
5 the conservation of Pennsylvania's cultural heritage.

6 (2) Preserve public records, historical documents and
7 objects of historical interest.

8 (3) Initiate, encourage, support and coordinate and
9 carry out historic preservation efforts in this Commonwealth.

10 (4) Provide for historical research and interpretation
11 and public access to this heritage.

12 § 302. Specific powers and duties.

13 The commission shall have the power and duty to:

14 (1) Pecuniary gifts.--Accept, on behalf of the
15 Commonwealth, gifts and bequests, including securities, for
16 the endowment of its work in accordance with the instructions
17 of the donors and in conjunction with the Governor and State
18 Treasurer, who shall, together with the members of the
19 commission, constitute a body of trustees for the care of
20 these funds. These trustees shall invest the funds in bonds
21 of the Commonwealth or any of its political subdivisions and
22 employ the interest and income from these investments for the
23 purposes of the commission or apply these funds to the uses
24 specified by the respective donors of the funds. Any donor of
25 money or other property may specify that the donation shall
26 be held in the form acquired, or shall be invested in or
27 converted into some other specific property or class of
28 investment, in which case the trustees shall be relieved of
29 all liability which may result from the imprudent investment
30 of the money so long as they comply with the instructions of

1 the donor.

2 (2) Independent and cooperative services or programs.--
3 Upon its own initiative or in cooperation with historical
4 societies or organizations, conduct investigations upon
5 historical or archaeological matters relative to this
6 Commonwealth and report the findings for public information;
7 with the approval of the Governor, enter into agreements with
8 responsible historical associations, foundations and similar
9 private organizations or with Federal agencies or public
10 agencies of other states in order to carry on services or
11 programs., ~~or to raise money to improve and develop historie~~ <—
12 ~~sites, museums, publications and other programs and functions~~
13 ~~of the commission; and administer a program to award grants~~
14 ~~to institutions, agencies and organizations located~~
15 ~~principally in this Commonwealth under such terms and~~
16 ~~conditions as the commission may determine.~~

17 (3) Archaeological and anthropological investigations.--
18 Examine, or cause to be examined, research or excavate the
19 occupation or activity sites or areas and the cultural
20 material remains of Native American, Colonial American and
21 more recent American cultures in this Commonwealth, under the
22 professional direction of the commission through the
23 techniques of archaeology, anthropology and history; acquire
24 by purchase, gift or fieldwork, archaeological or
25 anthropological collections of objects and data relative to
26 the cultural history of this Commonwealth; conduct, or cause
27 to be conducted, archaeological site surveys to locate,
28 catalog, assess and permanently record these historic
29 resources throughout this Commonwealth; maintain a central
30 repository for map locations and written descriptions of such

1 sites and historic resources; conduct, or cause to be
2 conducted, research upon the cultural objects and data
3 related to the cultural history of this Commonwealth and
4 interpret the results of the research in scientific and
5 popular publications, exhibits and special educational
6 programs for the public; and undertake appropriate
7 conservation, research, restoration and storage of all
8 material items and data relative to the cultural heritage of
9 this Commonwealth, which accrue to the archaeological and
10 anthropological collections of the commission.

11 (4) Cooperation with qualified historical or
12 archaeological societies.--Cooperate with any qualified
13 historical or archaeological society in investigations of
14 historical or archaeological matters relating to this
15 Commonwealth and in arranging, cataloging, displaying and
16 microfilming collections of historical papers and documents,
17 and objects or materials relative to the natural or cultural
18 history of this Commonwealth, and otherwise encourage their
19 activities.

20 (5) Historical commemorations.--Develop, coordinate and
21 carry out plans for celebrations commemorating important
22 historical events, which shall be selected by the commission
23 or the General Assembly upon passage of a concurrent
24 resolution, in cooperation with qualified historical or
25 archaeological societies and other responsible organizations.

26 (6) Geographic names.--Determine all unsettled questions
27 concerning geographic names which arise in any department and
28 determine the names of mountains, rivers, creeks and other
29 topographic features in this Commonwealth. In the exercise of
30 its powers and the performance of its duties under this

1 subsection, the commission shall cooperate with the United
2 States Board on Geographic Names.

3 (7) Procurement of expert advice.--Consult with or
4 procure the advice of experts in archaeology, anthropology,
5 history, historical restoration, archival management, museum
6 work or other fields related to its activities, compensate
7 them for their services and establish committees of experts
8 as needed to procure the advice. ~~The commission may establish~~ <—
9 ~~advisory boards as it deems appropriate, including boards to~~
10 ~~assist it in carrying out its powers and duties with respect~~
11 ~~to the Drake Well Museum, the Joseph Priestley House and the~~
12 ~~Pennsylvania Military Museum.~~

13 (8) Museum assistance and local history grant program.--
14 Establish and administer the museum assistance and local
15 history grant program. The commission shall be required to
16 approve all individual grants. All such grants shall be
17 subject to audit review by the commission.

18 (9) Advisory boards.--Create such advisory boards as the
19 commission may deem appropriate to perform duties designated
20 by the commission. The names of proposed members of such
21 advisory board shall be submitted to the Governor for
22 approval.

23 (10) Police powers.--Exercise the police powers
24 necessary to enforce the law, including the rules and
25 regulations of the commission. Authorized employees shall
26 have full power to make arrests, with or without warrant, for
27 all violations of law which they may witness upon the
28 premises of any historic property to which they are assigned
29 and may serve and execute warrants issued by proper
30 authorities for any violation of law committed thereon.

1 (11) Rules and regulations.--Promulgate rules and
2 regulations necessary for the implementation of its powers
3 and duties.

4 (12) Annual reports.--Annually transmit to the State
5 Government Committees of the House of Representatives and the
6 Senate a report which includes the following:

7 (i) A summary of the overall condition of museums
8 and historic sites and holdings, including staffing
9 levels.

10 (ii) A report on the operation of the Conservation
11 Center.

12 (iii) A summary of all publications completed by the
13 commission during the prior year.

14 (iv) A summary of collection deaccessioning
15 activities.

16 (v) ~~Progress~~ A SUMMARY OF THE PROGRESS in
17 computerization of collections and inventories.

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18 § 303. Sites.

19 The commission shall have the power and duty to:

20 (1) Museums and historic sites.--Control, direct,
21 supervise, manage and annually inspect the State Museum and
22 those field or regional museums and historic sites authorized
23 or created by statute; conduct continuing studies for the
24 improvement of museum activity; and operate, control, direct,
25 supervise and manage a public outreach program, including a
26 mobile museum program or a program of traveling exhibits.

27 (2) Marking historical and archaeological sites.--Upon
28 its own initiative or upon petition of a municipality or
29 historical society, mark by proper monuments, tablets or
30 markers, bearing the Commonwealth crest, places or buildings

1 in this Commonwealth where historical or cultural events have
2 transpired or, with the consent of the state or county having
3 jurisdiction, places or buildings outside of this
4 Commonwealth having to do with its history; and arrange for
5 the care or maintenance of these markers or monuments.

6 (3) Management of historic properties.--Based upon
7 accepted professional museum practices, assume the
8 preservation, care and maintenance of historic property,
9 including those historic properties listed in section 703
10 (relating to powers over certain historic property);
11 promulgate and enforce rules and regulations for the
12 visitation of historic property by the public; and charge
13 admission fees to historic property at its discretion, which
14 fees shall be paid into the State Treasury through the
15 Department of Revenue and credited to the Historical
16 Preservation Fund.

17 (4) Preservation and restoration of historical and
18 archaeological sites.--Undertake the preservation or
19 restoration of public buildings, military sites or monuments
20 connected with the history of this Commonwealth; contract
21 with political subdivisions, historical societies or other
22 associations, with proper bond or security, for the
23 maintenance of these building sites or monuments as a
24 consideration for assistance in their erection, restoration,
25 preservation or marking by the commission; and take title to
26 sites of historical markers in the name of the Commonwealth.

27 (5) Approval of memorials.--Approve the design, content
28 and proposed location of all official historical monuments,
29 memorials, buildings, tablets and inscriptions proposed for
30 erection or placement on any real property of the

Commonwealth.

(6) Monuments and markers.--Approve the inscription and proposed location of any historical monument or marker to be erected or placed by any public or private corporation, association, society, organization or person at any place in this Commonwealth.

(7) Geographical signs and markers.--Approve the inscription to be placed on official signs or markers to be erected or renewed on or along any highway at the entrance to a municipality or village, or at or near any river, stream, historical place or other place of interest in this Commonwealth, by the Department of Transportation or by any municipality, for the purpose of identification or for the purpose of giving historical facts concerning the location.

§ 304. Personal property.

The commission shall have the power and duty to:

(1) Historical artifacts.--Acquire or accept on behalf of the Commonwealth through gifts or bequests, objects or other articles of historical, archaeological, natural or geological interest which shall be deposited in the State Museum or, at the discretion of the commission, at historic sites and museums committed to its custody or in any other storage facilities as are available to and approved by the commission. The commission may inspect surplus property in the possession of other Commonwealth agencies and receive this property as an historic resource.

(2) Exhibition of objects.--Conduct under accepted professional practices the management and exhibition of objects; acquire by purchase, gift, bequest or other lawful transfer objects relating to the culture of this Commonwealth

1 and examine, research, catalog and preserve them; manage,
2 care and exhibit these objects in the areas of natural
3 history, geology, military history, decorative arts, fine
4 arts, science, industry and technology; select and designate
5 the objects to be exhibited in museums and historic sites in
6 this Commonwealth, including the State Museum; interpret the
7 results of such management and exhibition of objects in
8 museum and academic publications, exhibits and special
9 educational programs for the public; and undertake
10 appropriate professional conservation, restoration and
11 storage of all objects and material items relative to the
12 history of this Commonwealth.

13 (3) Lending historic resources.--Lend to any other
14 museum, archival repository, historical society or other
15 reliable organized group of an educational nature any relics,
16 articles of historical interest, manuscripts, documents or
17 other material committed to its custody. The commission shall
18 adopt rules and regulations to provide adequate security for
19 the safe return of the material, which shall include
20 provision for full insurance protection of the loaned
21 material.

22 (4) Sale or other disposition.--Exchange or otherwise
23 dispose of material with other museums, archival
24 repositories, historical societies or other reliable
25 organized groups of an educational nature; and sell at public
26 auction historical artifacts pursuant to its rules and
27 regulations. The original donor shall be notified, if ~~they~~ HE <—
28 can be located, AND IF THE ORIGINAL DONOR IS DECEASED, HIS <—
29 CHILDREN SHALL BE NOTIFIED, IF THEY CAN BE LOCATED, and have
30 the ability to reacquire the object, prior to it being

1 offered at auction. These sales shall be excluded from the
2 provisions of section 510 of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929.
4 Income produced through these sales shall be paid into the
5 State Treasury through the Department of Revenue and credited
6 to the Historical Preservation Fund and allocated solely for
7 collection acquisition or conservation purpose. No unique
8 relic, article, manuscript, document or other material, which
9 is of special significance to the history of this
10 Commonwealth, shall be exchanged or disposed of in this
11 manner.

12 § 305. Documents.

13 The commission shall have the power and duty to:

14 (1) Research on Commonwealth documents.--Examine and
15 copy or microfilm any records within the control of a
16 Commonwealth agency for the purposes of historical research.

17 (2) Preservation of public records.--Preserve all public
18 records throughout this Commonwealth and give special
19 attention to the preservation of all records of the
20 Commonwealth not in current use and of historical value;
21 negotiate for the transfer and receipt of public records from
22 any Commonwealth agency or political subdivision; and provide
23 for the disposition of records not needed or useful in the
24 transaction of current or anticipated future work of the
25 Commonwealth under section 524 of the act of April 9, 1929
26 (P.L.177, No.175), known as The Administrative Code of 1929.

27 The commission shall be the legal custodian of any public
28 records transferred to it by any Commonwealth agency or
29 political subdivision. The head of any Commonwealth agency or
30 political subdivision may transfer to the commission public

1 records legally in his custody not needed for the transaction
2 of the business of the office whenever the commission is
3 willing to receive and care for them.

4 (3) Management of historical documents.--Collect,
5 classify, preserve and make available for reference all
6 records which may come into its possession with the
7 exceptions indicated by the commission; examine the condition
8 of the records, books, pamphlets, documents, manuscripts,
9 archives, maps and papers filed or recorded in any
10 Commonwealth agency or political subdivision; and edit the
11 Pennsylvania Archives. The executive director or any
12 employees authorized by him shall have reasonable access to
13 all public records in this Commonwealth for the purpose of
14 examining them and shall report to the commission on their
15 condition.

16 (4) Regulation of Commonwealth records.--Recommend such
17 action be taken by the persons having the care and custody of
18 public records as may be necessary to secure their safety and
19 preservation; cause all laws relating to public records to be
20 enforced; and recommend and enforce uniform standards
21 governing the use of paper, ink and filing procedure for all
22 records and papers of Commonwealth agencies and political
23 subdivisions that are considered of permanent historical
24 importance.

25 (5) Certificates relating to public records.--Furnish
26 certificates relating to public records, or copies thereof,
27 upon the payment of fees established by the commission or
28 otherwise fixed by law.

29 (6) Land records.--Maintain and preserve:

30 (i) Records of the first titles acquired by the

1 proprietaries and the Commonwealth to all the lands
2 within its boundaries.

3 (ii) Records of all lands and conveyances from the
4 proprietaries and the Commonwealth to the purchasers of
5 the land.

6 (iii) Papers relating to the surveys of this
7 Commonwealth and county lines and the reports of
8 commissioners relating to the boundary lines of this
9 Commonwealth.

10 (iv) Maps and other papers pertaining to the
11 colonial history of this Commonwealth.

12 (v) Minutes of the canal commissioners.

13 (vi) Contracts, section profile maps and other
14 records relating to public works.

15 (vii) All other relevant records relating to titles
16 of real estate acquired by the Commonwealth.

17 § 306. Publications and reproductions.

18 The commission shall have the power and duty to:

19 (1) General.--Publish or republish, either through the
20 Department of General Services or cooperatively by and with
21 private historical organizations, materials of historical or
22 archaeological interest; compile, edit and print these
23 publications; enter into agreements with publishers to
24 subsidize the publication of books on Pennsylvania history,
25 archaeology, anthropology, art, cartography, folklore and
26 other cultural elements of Pennsylvania's heritage by
27 agreeing to purchase a sufficient number to make publication
28 possible, but these agreements shall be subject to the
29 approval of the Governor and the State Treasurer; produce or
30 reproduce facsimiles of historical material and enter into

1 agreements to subsidize the manufacture of facsimiles of
2 historical material by agreeing to purchase a sufficient
3 number to make manufacture possible, but these agreements
4 shall be subject to the approval of the Governor and the
5 State Treasurer; and sell publications, reprints of
6 publications, reproductions or replicas, postcards and
7 souvenirs of an historical nature at the State Museum and at
8 the other historic properties and museums administered by the
9 commission.

10 (2) Official repositories.--Establish one official
11 repository for its publications from among the qualified
12 historical or archaeological societies within each of the
13 geographic areas established and defined by the Department of
14 Community Affairs as "Standard Regions." The Pennsylvania
15 State Library and the Library of Congress shall also be
16 official repositories for commission publications.

17 (3) Disposition of commission publications.--Make one
18 copy of each commission publication available at cost to all
19 qualified historical or archaeological societies; and deliver
20 one copy of each commission publication without charge to
21 each official repository. The commission is excluded from the
22 provisions of section 2406 of the act of April 9, 1929
23 (P.L.177, No.175), known as The Administrative Code of 1929.

24 (4) Proprietary rights to subscription lists.--Maintain
25 proprietary rights over subscriber, membership or address
26 lists that it creates which are excluded from provisions of
27 the act of June 21, 1957 (P.L.390, No.212), referred to as
28 the Right-to-Know Law, and release subscriber or address
29 lists to private organizations for a fee which it shall
30 determine. The fees shall be paid into the State Treasury

through the Department of Revenue and credited to the
Historical Preservation Fund.

§ 307. QUALIFIED HISTORICAL AND ARCHAEOLOGICAL SOCIETIES. <—

ANY HISTORICAL OR ARCHAEOLOGICAL SOCIETY IN THIS COMMONWEALTH
SHALL BE DEEMED TO BE A QUALIFIED HISTORICAL OR ARCHAEOLOGICAL
SOCIETY IF IT:

(1) HAS AT LEAST 100 PAID MEMBERS, HAS BEEN ORGANIZED AT
LEAST TWO YEARS AND HAS BEEN INCORPORATED AS A CORPORATION
NOT-FOR-PROFIT.

(2) HOLDS AT LEAST ONE PUBLIC MEETING ANNUALLY AT WHICH
PAPERS ARE READ OR DISCUSSIONS HELD ON HISTORICAL OR
ARCHAEOLOGICAL SUBJECTS.

(3) HAS ADOPTED A CONSTITUTION AND BYLAWS AND HAS
ELECTED PROPER OFFICERS TO CONDUCT ITS BUSINESS.

(4) HAS EITHER ESTABLISHED A MUSEUM OR LIBRARY IN WHICH
BOOKS, DOCUMENTS, PAPERS AND OTHER OBJECTS OF HISTORICAL AND
CULTURAL INTEREST ARE DEPOSITED OR HAS MADE PERIODIC
PUBLICATIONS TOTALING AT LEAST 25 PAGES EACH YEAR RELATING TO
THE HISTORY OF THIS COMMONWEALTH OR OF THE AREA IN WHICH THE
SOCIETY IS LOCATED.

CHAPTER 5

HISTORIC PRESERVATION

Sec.

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4 510. Approval of construction affecting historic resources.

5 511. Criminal penalties.

6 512. Enforcement of historic preservation laws and policies.

7 § 501. Short title of chapter.

8 This chapter shall be known and may be cited as the Historic
9 Preservation Act.

10 § 502. Powers and duties of commission.

11 In addition to the powers and duties provided in Chapter 3
12 (relating to powers and duties of Pennsylvania Historical and
13 Museum Commission), the commission shall have the power and duty
14 to:

15 (1) Initiate and coordinate a Statewide survey to
16 identify and document the historic resources in this
17 Commonwealth, whether publicly or privately owned.

18 (2) Compile, maintain, revise and publish a selected
19 inventory of significant historic resources in this
20 Commonwealth, to be known as the Pennsylvania Register of
21 Historic Places, pursuant to criteria of significance
22 approved by the commission.

23 (3) Conduct research and compile documentation regarding
24 historic resources.

25 (4) Prepare a comprehensive plan for the preservation of
26 the historic resources in this Commonwealth, including
27 suggested priorities for the allocation of public and private
28 financial resources.

29 (5) Undertake the activities necessary to qualify the
30 Commonwealth for participation in programs and sources of

1 Federal assistance for purposes of historic preservation.

2 (6) Provide information and advice on historic resources
3 and appropriate preservation procedures to public officials,
4 private individuals and organizations.

5 (7) Advise public officials regarding the planning and
6 implementation of undertakings affecting historic resources.

7 (8) Provide technical and financial assistance to public
8 officials, private individuals and organizations engaged in
9 historic preservation activities.

10 (9) Undertake activities to stimulate public interest in
11 historic preservation, including publications, newsletters
12 and conferences.

13 (10) Coordinate and comment upon activities of public
14 officials affecting historic resources and preservation
15 activities.

16 (11) Solicit, receive and utilize funds from any public
17 or private source for purposes of historic preservation.

18 (12) Acquire easements in properties of historic,
19 architectural and archaeological significance by gift,
20 purchase, devise or any other lawful transfer when
21 acquisition is necessary for the preservation thereof.

22 (13) Rent or lease historic resources and associated
23 properties for purposes of historic preservation.

24 (14) Contract with other states, public officials in
25 this Commonwealth or private individuals and organizations
26 for purposes of historic preservation.

27 § 503. Inclusion of property on register.

28 The owner of private property of historic, architectural or
29 archaeological significance, or a majority of the owners of
30 private properties within a proposed historic district, shall be

1 given the opportunity to concur in, or object to, the nomination
2 of the property or proposed district for inclusion on the
3 Pennsylvania Register of Historic Places. If the owner of the
4 property, or a majority of the owners of the properties within
5 the proposed historic district, object to the inclusion, the
6 property shall not be included on the register.

7 § 504. Historic Preservation Board.

8 (a) Membership.--The board shall be composed of no less than
9 nine citizens designated by the commission, pursuant to
10 recommendations by the executive director. The board shall
11 include at least one member with demonstrated competence in each
12 of the following disciplines: architecture, archaeology,
13 architectural history, history and historic preservation.

14 (b) Term of office.--Members shall serve for a term of two
15 years without compensation, other than reimbursement for actual
16 and necessary expenses incurred in the performance of their
17 duties--., IN ACCORDANCE WITH COMMONWEALTH REGULATIONS. <—

18 ~~(c) Compensation. The members shall serve without~~ <—
19 ~~compensation, other than reimbursement for actual and necessary~~
20 ~~expenses incurred in the performance of their duties.~~

21 § 505. Powers and duties of board.

22 The Historic Preservation Board shall have the power and duty
23 to:

24 (1) Advise the commission on criteria of significance
25 for inclusion of historic resources on the Pennsylvania
26 Register of Historic Places.

27 (2) Review and recommend nominations of historic
28 resources to the National Register of Historic Places.

29 (3) Review and comment upon the commission's
30 comprehensive preservation plan for historic resources within

1 this Commonwealth.

2 (4) Undertake any other activity determined by the
3 commission to be necessary or desirable for the preservation
4 of historic resources.

5 § 506. Archaeological field investigations on Commonwealth
6 land.

7 (a) Right to conduct field investigations.--The Commonwealth
8 reserves the exclusive right to conduct archaeological field
9 investigations on archaeological resources owned or controlled
10 by it, in order to protect and preserve archaeological specimens
11 and information. The specimens and information shall remain the
12 property of the Commonwealth and shall be utilized for
13 scientific and public educational purposes.

14 (b) Responsibility of commission.--The commission shall be
15 responsible for the preservation, protection and proper
16 investigation of archaeological resources located on land owned
17 or controlled by the Commonwealth, including any submerged land
18 owned or controlled by the Commonwealth.

19 (c) Survey of archaeological resources.--The commission
20 shall conduct surveys and prepare maps of archaeological
21 resources located on lands in this Commonwealth and may make
22 available the results of these surveys to the Federal
23 Government, Commonwealth agencies and political subdivisions
24 conducting activities which would affect these archaeological
25 resources. The commission shall have and maintain proprietary
26 rights over the maps and surveys indicating the location of
27 archaeological resources or archaeological field investigations
28 that have been inventoried or surveyed. These maps and surveys
29 are excluded from the provisions of the act of June 21, 1957
30 (P.L.390, No.212), referred to as the Right-to-Know Law.

1 (d) Permits for field investigations.--The commission may
2 issue permits for archaeological field investigations, subject
3 to any restraints and conditions it prescribes, if the
4 investigation is undertaken with the purpose of disseminating
5 the knowledge gained and if the applicant agrees to submit to
6 the commission a summary written report of the investigation,
7 containing relevant maps, documents, drawings and photographs.
8 All archaeological specimens collected pursuant to a permit
9 issued under this subsection shall be the exclusive property of
10 the Commonwealth, and the commission shall make appropriate
11 arrangements for their disposition and study.

12 § 507. Cooperation by public officials with the commission.

13 (a) General rule.--Commonwealth agencies and political
14 subdivisions shall cooperate fully with the commission in the
15 preservation, protection and investigation of archaeological
16 resources and to that end shall:

17 (1) Notify all potential licensees, contractors or other
18 persons whose activities may affect archaeological sites that
19 the estimated cost of archaeological surveys or
20 archaeological field investigations is required to be
21 included within their bid or application for a license.

22 (2) Notify the commission before undertaking any
23 Commonwealth or Commonwealth assisted licensed or contracted
24 projects that may affect archaeological sites.

25 (3) Notify the commission when they become aware of any
26 undertaking in connection with any Commonwealth or
27 Commonwealth assisted licensed or contracted project,
28 activity or program which affects or may affect an
29 archaeological site, and provide the commission with
30 information concerning the project, program or activity.

(b) Survey or investigation by commission.--Upon notification or determination that an archaeological resource is or may be adversely affected, the commission may, within 60 days after reasonable notice to the Commonwealth agency or political subdivision, conduct a survey or other investigation to recover, preserve or otherwise protect information from the archaeological resource.

§ 508. Interagency cooperation.

Commonwealth agencies shall:

(1) Consult the commission before demolishing, altering or transferring any property under their ownership or control that is or may be of historical, architectural or archaeological significance.

(2) Seek the advice of the commission on possible alternatives to the demolition, alteration or transfer of property under their ownership or control that is on or may be eligible for the Pennsylvania Register of Historic Places.

(3) Initiate measures and procedures to provide for the maintenance by means of preservation, rehabilitation or restoration of historic resources under their ownership or control that are listed on or are eligible for the Pennsylvania Register of Historic Places.

(4) Institute procedures and policies to assure that their plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth.

(5) Submit the procedures and policies described in paragraphs (2) and (3) to the commission for review and comment.

§ 509. Transfer of Commonwealth land involving historic

1 resources.

2 Commonwealth agencies shall give the commission timely notice
3 of proposed transfers of real property owned or controlled by
4 the Commonwealth. Upon recommendation of the commission,
5 Commonwealth agencies may condition the transfer and may execute
6 covenants, deed restrictions or other contractual arrangements
7 which will most likely result in the preservation of any
8 historic resources located on or under the property to be
9 transferred.

10 § 510. Approval of construction affecting historic resources.

11 The commission shall be consulted on the design and proposed
12 location of any project, building or other undertaking financed
13 in whole or in part by Commonwealth funds which may affect the
14 preservation and development of a district, site or building
15 listed on or eligible for the Pennsylvania Register of Historic
16 Places.

17 § 511. Criminal penalties.

18 A person who conducts a field investigation on any land owned
19 or controlled by the Commonwealth, without first obtaining a
20 permit from the commission, or a person who appropriates,
21 defaces, destroys or otherwise alters any archaeological site or
22 specimen located upon lands owned or controlled by the
23 Commonwealth, except in the course of activities pursued under
24 the authority of a permit granted by the commission, commits a
25 criminal offense which shall be subject to the grading
26 provisions of 18 Pa.C.S. § 3929.1 (relating to library theft)
27 and shall forfeit to the Commonwealth all archaeological
28 specimens collected or excavated together with any photographs
29 and records relating thereto.

30 § 512. Enforcement of historic preservation laws and policies.

1 The Attorney General, the commission, any political
2 subdivision, person or other legal entity may maintain an action
3 in an administrative tribunal or court for the protection or
4 preservation of any historic resource in this Commonwealth.

5 CHAPTER 7

6 HISTORIC PROPERTIES

7 Sec.

8 701. Title to historic property.

9 702. Management of historic resources.

10 703. Powers over certain historic property.

11 § 701. Title to historic property.

12 (1) Unless otherwise provided by statute with respect to
13 particular historic property, the title to historic property
14 shall be taken in the name of the Commonwealth and shall,
15 before its acquisition, be certified by counsel for the
16 commission.

17 (2) For purposes of historic preservation, or for
18 educational, recreational or agricultural purposes, or for
19 parking areas or concessions for the convenience and comfort
20 of the public, the commission may lease historic property for
21 a period not to exceed ~~20~~ FIVE years to any person or <—
22 organization of the Commonwealth. The commission shall lease
23 the property in the following manner:

24 (i) Those sites and museums which have nonprofit
25 allied groups whose purpose is related to the educational
26 mission of a particular property and who, in some cases,
27 were involved in the original deed to the Commonwealth
28 shall receive special contract preference. In those
29 instances where the above criteria is met, the commission
30 shall be permitted to enter into a lease without

competitive bidding.

(ii) When the criteria enumerated in subparagraph (i) is not met, sites and museums are to be leased in accordance with competitive bidding procedures, i.e. open to all profit and nonprofit organizations. All requests for bid ~~proposal as well as the leases~~ PROPOSALS, AS WELL AS THE LEASES, shall contain restrictions protecting the historical integrity of the site, insuring that appropriate historical preservation standards are maintained and ~~requirements for~~ REQUIRE appropriate insurance coverage by the lessee.

(3) IF A SUBSTANTIAL CAPITAL INVESTMENT IS INVOLVED, THE COMMISSION MAY, WITH THE APPROVAL OF THE GOVERNOR, ENTER INTO SUCH LEASES FOR THAT PERIOD REQUIRED UNDER SECTIONS 48(G)(2)(B)(VI) AND 168(C) OF THE INTERNAL REVENUE CODE OF 1986 (PUBIC LAW 99-514, 26 U.S.C. §§ 48, 168) RELATING TO INVESTMENT TAX CREDIT FOR HISTORIC PRESERVATION.

~~(3)~~ (4) The commission shall monitor those leased properties to insure they are being managed in accordance with State law.

~~§ 702. Management of historic resources.~~

~~The commission shall exercise the following powers respecting the management of historic resources:~~

~~(1) For purposes of historic preservation, the commission may acquire historic resources by lease or may acquire an easement therein by any lawful transfer.~~

~~(2) For purposes of historic preservation or for educational, recreational or agricultural purposes or for parking areas or concessions for the convenience and comfort of the public, the commission may lease historic property for~~

~~a period not to exceed ten years to any person or organization of this Commonwealth. If a substantial capital investment is involved, the commission may, with the approval of the Governor, enter into such leases for a period greater than ten years, but not exceeding 25 years.~~

~~§ 703~~ § 702. Powers over certain historic property.

In addition to all other powers vested in the commission by this title or other statute, the commission shall exercise all powers conferred on it by law with respect to the historic properties known as:

- (1) Admiral Peary Monument.
- (2) Anthracite Museum of Ashland.
- (3) Anthracite Museum at Scranton.
- (4) Bloody Spring.
- (5) Brightbill Property.
- (6) Brandywine Battlefield.
- (7) Bushy Run Battlefield.
- (8) Captain Phillips's Rangers Memorial.
- (9) Cashiers House.
- (10) Conrad Weiser Homestead.
- (11) Cornwall Iron Furnace.
- (12) Curtin Village.
- (13) Daniel Boone Homestead.
- (14) David Bradford House.
- (15) Drake Well Museum.
- (16) Eckley Miners' Village.
- (17) Ephrata Cloister.
- (18) Flagship Niagara.
- (19) Fort Augusta.
- (20) Fort Loudon.

- 1 (21) Fort Pitt Museum.
- 2 (22) French Azilum.
- 3 (23) Governor Printz Park.
- 4 (24) Graeme Park.
- 5 (25) Harmony Society Graveyard.
- 6 (26) Hope Lodge.
- 7 (27) John Brown House.
- 8 (28) Johnston Tavern.
- 9 (29) Joseph Priestley House.
- 10 (30) Judson House.
- 11 (31) Mather Mill.
- 12 (32) McCoy House.
- 13 (33) Monocacy Battlefield.
- 14 (34) Morton Homestead.
- 15 (35) Nathan Denison House.
- 16 (36) Old Brown's Mill School.
- 17 (37) Old Chester Courthouse.
- 18 (38) Old Custom House.
- 19 (39) Old Economy Village.
- 20 (40) Old Mill Village.
- 21 (41) Old Stone House.
- 22 (42) Peace Church.
- 23 (43) Pennsbury Manor.
- 24 (44) Pennsylvania Farm Museum of Landis Valley.
- 25 (45) Pennsylvania Lumber Museum.
- 26 (46) Pennsylvania Military Museum.
- 27 (47) Pithole City.
- 28 (48) Pottsgrove Mansion.
- 29 (49) Railroad Museum of Pennsylvania.
- 30 (50) Robert Fulton Birthplace.

- 1 (51) Searights Tollhouse.
- 2 (52) Sodom School House.
- 3 (53) Somerset Historical Center.
- 4 (54) State Museum and Archives Building.
- 5 (55) The Highlands.
- 6 (56) The Scranton Iron Furnace.
- 7 (57) Tuscarora Academy.
- 8 (58) Warrior Run Church and Cemetery.
- 9 (59) Washington Crossing.

10 Section 2. (a) The administrative and budgetary provisions
11 of the act of April 9, 1929 (P.L.177, No.175), known as The
12 Administrative Code of 1929, shall continue to apply to the
13 Pennsylvania Historical and Museum Commission insofar as those
14 provisions are consistent with this act.

15 (b) The Pennsylvania Historical and Museum Commission shall
16 continue to exercise the powers and perform the duties conferred
17 or required by law prior to the effective date of this act with
18 respect to the historical properties listed in 37 Pa.C.S. § 703
19 (relating to powers over certain historic property).

20 (c) The members of the Pennsylvania Historical and Museum
21 Commission and the Historic Preservation Board serving as
22 members when this act becomes effective shall continue to serve
23 as members until the term for which they were respectively
24 appointed expires.

25 (d) The Washington Crossing Park Commission, the Brandywine
26 Battlefield Park Commission, the Drake Well Advisory Board, the
27 Twenty-eighth Davison Memorial Shrine Advisory Board and the
28 Joseph Priestley Advisory Board are abolished.

29 Section 3. This act, with respect to the Pennsylvania
30 Historical and Museum Commission, shall constitute the

1 legislation required to reestablish an agency pursuant to the
2 act of December 22, 1981 (P.L.508, No.142), known as the Sunset
3 Act.

4 Section 4. Each rule and regulation of the Pennsylvania
5 Historical and Museum Commission in effect on the effective date
6 of this act shall remain in effect after such date until
7 repealed or amended by the commission.

8 Section 5. (a) The following acts and parts of acts are
9 repealed:

10 Act of July 25, 1913 (P.L.1265, No.777), entitled "An act
11 providing for the establishment of the Pennsylvania Historical
12 Commission; defining its powers and duties; and making an
13 appropriation for its work."

14 Act of July 25, 1917 (P.L.1209, No.420), entitled "An act to
15 authorize the acquisition, by purchase or condemnation, of lands
16 for a park, and the erection of a monument commemorative of
17 Washington crossing the river Delaware, and for the appointment
18 of a commission to acquire said lands and erect such monument;
19 and making an appropriation for the purpose of this act."

20 Act of July 21, 1919 (P.L.1086, No.444), entitled "An act
21 dedicating to public use as a historical memorial and public
22 park certain lands and buildings of the Commonwealth of
23 Pennsylvania, in the borough of Ambridge, county of Beaver, and
24 providing for the custody, maintenance, and use thereof."

25 Act of May 6, 1925 (P.L.514, No.278), entitled "An act
26 authorizing the Department of Highways to make repairs to and
27 provide for the maintenance of roads and highways in Valley
28 Forge Park, and making an appropriation therefor."

29 Act of May 4, 1927 (P.L.32, No.44-A), entitled, as amended,
30 "An act authorizing the Department of Forests and Waters to

1 acquire, repair, and restore the birthplace of John Morton, in
2 the borough of Prospect Park; providing for the control,
3 management, supervision, and maintenance thereof by the
4 Pennsylvania Historical Commission; authorizing the commission
5 to make and enforce rules and regulations for the preservation
6 and visitation thereof; and making an appropriation."

7 Act of May 4, 1927 (P.L.759, No.398), entitled "An act
8 providing for the acquisition and maintenance by the Department
9 of Forests and Waters, with the advice of the Bushy Run
10 Battlefield Commission, of the Bushy Run Battlefield and
11 adjacent lands as a public historical park, and for the erection
12 of a monument or memorial therein; authorizing the department to
13 accept gifts for exhibition in, and funds or securities to be
14 invested for the benefit of, said park; imposing duties upon the
15 Governor, the Auditor General and the State Treasurer in
16 connection with such funds or securities; and making an
17 appropriation."

18 As much of section 201 as reads "the Pennsylvania Historical
19 and Museum Commission", sections 304, 435, 617-A and Article
20 XXVIII-A of the act of April 9, 1929 (P.L.177, No.175), known as
21 The Administrative Code of 1929.

22 Act of April 24, 1929 (P.L.650, No.275), entitled "An act
23 providing for the submission to and approval by the Pennsylvania
24 Historical Commission of the inscription on historical monuments
25 and markers, and the location of certain of such monuments and
26 markers, and the inscription of certain highway signs and
27 markers."

28 Act of April 26, 1929 (P.L.781, No.332), entitled "An act
29 authorizing the Pennsylvania Historical Commission on behalf of
30 the Commonwealth of Pennsylvania to acquire land in Falls

1 Township, Bucks County, known as 'Pennsbury,' to be known
2 thereafter as 'Pennsbury Memorial'; providing for the control,
3 management, supervision, restoration, improvement, and
4 maintenance thereof; authorizing the commission to make and
5 enforce rules and regulations for the preservation and
6 visitation thereof."

7 Act of May 8, 1929 (P.L.1667, No.528), entitled, as amended,
8 "An act authorizing the Pennsylvania Historical and Museum
9 Commission, on behalf of the Commonwealth of Pennsylvania, to
10 acquire all real and personal property included in the Conrad
11 Weiser Memorial Park, in Heidelberg Township, Berks County, from
12 the Conrad Weiser Memorial Park Association; providing for the
13 control, management, supervision, restoration and improvement
14 thereof; authorizing the commission to make and enforce rules
15 and regulations for the preservation and visitation thereof; and
16 making an appropriation therefor."

17 Act of April 10, 1931 (P.L.23, No.22), entitled, as amended,
18 "An act providing for the acceptance by the Commonwealth of a
19 gift of lands from the American Petroleum Institute, located on
20 the left bank of Oil Creek, in Oil Creek Township or Cherry Tree
21 Township, or both, Venango County, to establish and maintain a
22 public museum and park, as the Drake Well Memorial, under the
23 control and supervision of the Pennsylvania Historical
24 Commission, in cooperation with the Department of Forests and
25 Waters, and an advisory board to be appointed by the American
26 Petroleum Institute; prescribing the powers and duties of the
27 commission relative to said memorial; authorizing the employment
28 of certain assistants and employes, and for the payment of their
29 salaries; empowering the Department of Property and Supplies to
30 acquire additional lands for such Memorial Park without cost to

1 the Commonwealth; and making an appropriation."

2 Act of May 21, 1931 (P.L.185, No.113), entitled "An act
3 authorizing the Pennsylvania Historical Commission, on behalf of
4 the Commonwealth of Pennsylvania, to acquire all real property
5 comprising the Cornwall Charcoal Furnace, at Cornwall, in
6 Lebanon County, from the owner thereof, and a trust fund for the
7 maintenance of the same; providing for the control, management,
8 supervision, restoration and improvement thereof; authorizing
9 the commission to make and enforce rules and regulations for the
10 preservation and visitation thereof."

11 Act of June 12, 1931 (P.L.588, No.201), entitled "An act
12 authorizing the Department of Property and Supplies to acquire
13 lands in Harris Township, Centre County, for the use of the
14 Department of Military Affairs; and making an appropriation."

15 Act of June 25, 1931 (P.L.1375, No.344), entitled "An act
16 authorizing the Pennsylvania Historical Commission, on behalf of
17 the Commonwealth of Pennsylvania, to acquire property, whereon
18 was the John Brown farm and tannery in Richmond Township,
19 Crawford County, from the John Brown Memorial Association;
20 providing for the control, management, supervision, restoration
21 and improvement thereof; authorizing the commission to make and
22 enforce rules and regulations for the preservation and
23 visitation thereof."

24 Act of June 26, 1931 (P.L.1386, No.350), entitled "An act
25 providing for the care, protection, and maintenance of the brig
26 Niagara, Commodore Perry's Flagship at the Battle of Lake Erie,
27 and now the property of the State of Pennsylvania; creating a
28 commission to be The Flagship Niagara Commission, and making an
29 appropriation for such care, protection and maintenance."

30 Act of June 26, 1931 (P.L.1387, No.351), entitled "An act

1 authorizing the Department of Property and Supplies to acquire
2 the site of Fort Augusta, at Sunbury, to be turned over to the
3 Pennsylvania Historical Commission for management; and making an
4 appropriation."

5 Act of July 9, 1935 (P.L.613, No.216), entitled "An act
6 authorizing the State Historical Commission to investigate and
7 to report to the next session of the Legislature upon the area,
8 boundaries, and dimensions of the Brandywine Battlefield of the
9 Revolutionary War and to accept gifts or deeds of historic
10 objects or of land connected therewith."

11 Act of July 22, 1936 (1st Sp.Sess., P.L.70, No.26), entitled
12 "An act to provide for the participation of the Commonwealth of
13 Pennsylvania in a National Celebration of the One Hundred
14 Fiftieth Anniversary of the Framing, the Signing, the
15 Ratification by Pennsylvania and the Final Adoption and
16 Promulgation, of the Constitution of the United States, to be
17 held at Philadelphia, and elsewhere, on the fifteenth,
18 sixteenth, and seventeenth days of September, one thousand nine
19 hundred thirty-seven, and subsequent anniversary dates in
20 connection therewith; and making an appropriation."

21 Act of July 28, 1936 (1st Sp.Sess., P.L.79, No.31), entitled
22 "An act to provide for the commemoration by the Commonwealth of
23 Pennsylvania of the Three Hundredth Anniversary of the Earliest
24 Settlement, the First Courts of Law, and the First Capital
25 within what is now Pennsylvania; and making an appropriation."

26 Act of May 28, 1937 (P.L.1000, No.271), entitled "An act
27 authorizing the Pennsylvania Historical Commission, on behalf of
28 the Commonwealth of Pennsylvania, to acquire, by gift,
29 approximately 7.224 acres of land in Tinicum Township, Delaware
30 County, sometimes known as 'Printz Park,' or as 'Printz-Lindberg

1 Park,' to be known hereafter as 'Governor Printz Park';
2 providing for the control, management, supervision, restoration,
3 improvement and maintenance thereof; authorizing the commission
4 to make and enforce rules and regulations for the preservation,
5 maintenance, and visitation thereof."

6 Act of June 2, 1937 (P.L.1179, No.295), entitled "An act
7 providing for the acquisition of the Daniel Boone Homestead by
8 the Department of Property and Supplies, and for its management
9 and development by the Pennsylvania Historical Commission; and
10 making an appropriation."

11 Act of June 25, 1937 (P.L.2079, No.410), entitled "An act
12 providing for the sale of Fort Necessity Park, in Wharton
13 Township, to the government of the United States, for National
14 Military Park purposes, and giving consent to the purchase of
15 said park, other lands of historical importance, and, with
16 certain reservations, ceding jurisdiction over such lands."

17 Act of July 2, 1937 (P.L.2697, No.542), entitled "An act
18 supplementing the act, approved the twenty-eighth day of July,
19 one thousand nine hundred and thirty-six (Pamphlet Laws,
20 seventy-nine); and authorizing the Governor, directly or through
21 such agency as he may designate, to provide, plan, prepare,
22 supervise, and carry out a suitable program, within and without
23 Pennsylvania, for the commemoration by the Commonwealth of
24 Pennsylvania of the three hundredth anniversary of the earliest
25 settlement, the first courts of law, and the first capital
26 within what is now Pennsylvania; and making an appropriation
27 therefor out of the General Fund."

28 Act of July 2, 1937 (P.L.2700, No.543), entitled "An act
29 supplementing the act of July twenty-second, one thousand nine
30 hundred and thirty-six (Pamphlet Laws, seventy); and authorizing

1 the Governor, directly or through such agency as he may
2 designate, to provide, plan, prepare, supervise, and carry out,
3 a suitable program, throughout the Commonwealth of Pennsylvania
4 and elsewhere, for the Celebration of the 150th Anniversary of
5 the Framing, the Signing, the Ratification by Pennsylvania, and
6 the Final Adoption and Establishment of the Constitution of the
7 United States, during the years 1937-38-39; and making an
8 appropriation."

9 Act of June 26, 1939 (P.L.1108, No.390), entitled "A
10 supplement to the act, approved the twenty-sixth day of June,
11 one thousand nine hundred thirty-one (Pamphlet Laws, one
12 thousand three hundred eighty-six), entitled 'An act providing
13 for the care, protection, and maintenance of the brig Niagara,
14 Commodore Perry's Flagship at the Battle of Lake Erie, and now
15 the property of the State of Pennsylvania; creating a commission
16 to be The Flagship Niagara Commission, and making an
17 appropriation for such care, protection and maintenance,'
18 transferring the custody and control, restoration and
19 rehabilitation, care, protection, and maintenance of the
20 Flagship Niagara from The Flagship Niagara Commission to the
21 Pennsylvania Historical Commission; providing for the
22 continuance of the present The Flagship Niagara Commission as an
23 advisory committee and for its discharge from certain duties and
24 powers; and making an appropriation to complete the restoration
25 and rehabilitation of the Flagship Niagara and the maintenance
26 of the same."

27 Act of June 26, 1939 (P.L.1110, No.391), entitled "An act
28 authorizing the Department of Property and Supplies to acquire
29 by purchase, gift, lease or condemnation, on behalf of the
30 Commonwealth of Pennsylvania, forty acres of land adjacent to

1 'Pennsbury Memorial,' or so much thereof as may be necessary to
2 properly honor the founder of the Commonwealth of Pennsylvania
3 on the spot where he made definite plans to spend his life;
4 providing for the control, management, supervision, improvement,
5 preservation and maintenance thereof; authorizing the
6 Pennsylvania Historical Commission to make and enforce rules and
7 regulations for the preservation and visitation thereof; and
8 making an appropriation."

9 Act of June 27, 1939 (P.L.1117, No.395), entitled "An act
10 authorizing the Department of Property and Supplies to acquire
11 by purchase, or gift, or lease on behalf of the Commonwealth of
12 Pennsylvania, the real estate and personal property of the
13 Seventh Day Baptists of Ephrata, in whole or in part, to provide
14 for the control, management and supervision of the property,
15 when acquired, by the Pennsylvania Historical Commission;
16 authorizing the commission to make and enforce rules and
17 regulations for its preservation and visitation and to charge a
18 fee for admission thereto and exhibition thereof."

19 Act of August 5, 1941 (P.L.830, No.309), entitled "An act
20 authorizing the Department of Property and Supplies acting for
21 the Commonwealth of Pennsylvania to acquire by gift from the
22 owner thereof Pottsgrove Mansion with tract of land situate in
23 the ninth ward of the Borough of Pottstown, Montgomery County,
24 Pennsylvania; providing for the control, management,
25 supervision, improvement and maintenance thereof by the
26 Pennsylvania Historical Commission; authorizing the Pennsylvania
27 Historical Commission to make and enforce rules and regulations
28 for the preservation, maintenance and visitation thereof, and
29 creating an advisory board to assist in such functions."

30 Act of August 6, 1941 (P.L.849, No.317), entitled "An act

1 authorizing the Department of Property and Supplies to acquire
2 on behalf of the Commonwealth of Pennsylvania certain land upon
3 which is still standing the birthplace of Robert Fulton in
4 Fulton Township, Lancaster County, or so much thereof as may be
5 necessary, as a memorial; providing for the control, management,
6 supervision, improvement, restoration and maintenance thereof;
7 authorizing the Pennsylvania Historical Commission to make and
8 enforce rules and regulations for the preservation and
9 visitation thereof, and making an appropriation."

10 Act of August 6, 1941, (P.L.850, No.318), entitled "An act
11 authorizing the Department of Property and Supplies to acquire
12 by purchase, gift, lease or condemnation, on behalf of the
13 Commonwealth of Pennsylvania, ten acres of land adjacent to the
14 Daniel Boone Homestead, or so much thereof as may be necessary,
15 to properly honor the pioneer Daniel Boone on the spot where he
16 was born; providing for the control, management, supervision,
17 improvement, preservation and maintenance thereof; authorizing
18 the Pennsylvania Historical Commission to make and enforce rules
19 and regulations for the preservation and visitation thereof, and
20 making an appropriation."

21 Act of May 26, 1943 (P.L.608, No.265), entitled "An act
22 authorizing the Pennsylvania Historical Commission, on behalf of
23 the Commonwealth of Pennsylvania, to acquire, by gift, the
24 Harmony Society Graveyard in the Borough of Ambridge,
25 Pennsylvania; providing for the control, management and
26 maintenance thereof; authorizing the Commission to make and
27 enforce rules and regulations for the preservation, maintenance,
28 and visitation thereof."

29 Act of June 1, 1943 (P.L.804, No.336), entitled "An act
30 authorizing the Pennsylvania Historical Commission to acquire by

1 gift, from the Erie County Historical Society, a plot of ground
2 in the City of Erie, Pennsylvania, to be used as a permanent
3 resting place for the Flagship Niagara, and making an
4 appropriation to said commission for the improvement,
5 development and preparation of such plot of ground and the
6 removal of the said flagship thereto."

7 Act of June 4, 1943 (P.L.873, No.365), entitled "An act
8 authorizing the Department of Property and Supplies, with the
9 advice and approval of the Pennsylvania Historical Commission,
10 to acquire on behalf of the Commonwealth of Pennsylvania,
11 certain land upon which is located the site of Fort LeBoeuf in
12 Waterford Borough, Erie County, or so much thereof as may be
13 necessary, as a historical memorial; providing for the control,
14 management, supervision, improvement, restoration and
15 maintenance thereof; authorizing the Pennsylvania Historical
16 Commission, in cooperation with other agencies, to make and
17 enforce rules and regulations for the preservation and
18 visitation thereof; authorizing the Pennsylvania Historical
19 Commission to cooperate with the Daughters of the American
20 Colonists and interested patriotic societies in providing funds
21 for a restoration of Fort LeBoeuf; and making an appropriation."

22 Act of May 18, 1945 (P.L.795, No.316), entitled "An act
23 authorizing the Pennsylvania Historical Commission to accept, on
24 behalf of the Commonwealth, certain real estate in, and an
25 endowment fund for, the Mt. Zion Cemetery which is part of the
26 historic Ephrata Cloister land located in Ephrata, Lancaster
27 County, Pennsylvania."

28 Act of May 31, 1945 (P.L.1194, No.415), entitled "An act
29 authorizing the Pennsylvania Historical Commission to acquire by
30 gift from the Historical Society of Cambria County, the Admiral

1 Peary Memorial Park in Cresson Township, Cambria County,
2 restricting the use thereof; and making an appropriation to said
3 commission for the improvement of said park."

4 Act of July 5, 1947 (P.L.1293, No.517), entitled "An act to
5 establish The Brandywine Battlefield Park Commission and to
6 authorize the acquisition by purchase, condemnation or gift of
7 lands for the establishment of The Brandywine Battlefield Park;
8 providing for the control, management and supervision of the
9 property to be acquired for such park by such commission;
10 authorizing the commission to make and to enforce rules and
11 regulations for its preservation, development and visitation;
12 and making appropriations."

13 Act of May 20, 1949 (P.L.1579, No.476), entitled "An act
14 authorizing the Pennsylvania Historical and Museum Commission to
15 develop a farmers' museum; designating purposes of such museum;
16 and making an appropriation."

17 Act of May 26, 1949 (P.L.1876, No.554), entitled "An act
18 authorizing the Pennsylvania Historical and Museum Commission to
19 accept, on behalf of the Commonwealth, certain real estate and
20 buildings and an endowment fund for the Warrior Run Church and
21 Cemetery, located in Northumberland County, Pennsylvania; and
22 making an appropriation."

23 Act of May 26, 1949 (P.L.1877, No.555), entitled "An act
24 authorizing the Department of Property and Supplies, with the
25 approval of the Pennsylvania Historical and Museum Commission,
26 to acquire by purchase, condemnation, lease or gift, certain
27 lands adjacent to the Daniel Boone Homestead property; providing
28 for the maintenance and improvement thereof; and making an
29 appropriation for the payment of the costs of such acquisition."

30 Act of January 5, 1952 (1951 P.L.1824, No.485), entitled "An

1 act authorizing the Department of Property and Supplies, with
2 the approval of the Pennsylvania Historical and Museum
3 Commission, to acquire on behalf of the Commonwealth, certain
4 land, buildings and appurtenances, located in the Township of
5 Manheim, Lancaster County, and certain personal property
6 therein; and making an appropriation."

7 Act of July 20, 1953 (P.L.519, No.137), entitled "An act
8 authorizing the Department of Property and Supplies to sell and
9 convey one acre and 102.93 perches, more or less, of land in
10 Ephrata Township, Lancaster County, Pennsylvania, with the
11 approval of the Governor."

12 Act of February 14, 1956 (1955 P.L.1045, No.335), entitled
13 "An act declaring the public interest in certain historic sites
14 and buildings and providing for certificates and markers."

15 Act of May 11, 1956 (1955 P.L.1571, No.523), entitled "An act
16 authorizing the Pennsylvania Historical and Museum Commission to
17 acquire, by gift, the Old Brown's Mill building and project in
18 Antrim Township, Franklin County; and providing for its
19 maintenance and control."

20 Act of May 31, 1956 (1955 P.L.1914, No.636), entitled "An act
21 authorizing the Department of Property and Supplies, with the
22 approval of the Pennsylvania Historical and Museum Commission,
23 to acquire by purchase certain lands adjacent to the
24 Pennsylvania Farm Museum of Landis Valley property; providing
25 for the control, maintenance and improvement thereof; and making
26 an appropriation."

27 Act of June 1, 1956 (1955 P.L.2020, No.676), entitled "An act
28 authorizing the Department of Property and Supplies, with the
29 approval of the Pennsylvania Historical and Museum Commission,
30 to acquire lands comprising the Captain William Phillips'

1 Rangers Memorial, in Liberty Township, Bedford County; providing
2 for the control, management, supervision, improvement,
3 restoration and maintenance thereof by the Pennsylvania
4 Historical and Museum Commission; and making appropriations."

5 Act of June 28, 1957 (P.L.422, No.232), entitled "An act
6 authorizing the Pennsylvania Historical and Museum Commission to
7 acquire by gift on behalf of the Commonwealth the real property,
8 known as Hope Lodge in Montgomery County; providing for its
9 control, management, supervision, restoration, improvement and
10 maintenance, and appropriating for this purpose all funds
11 received in behalf of or as the result of operation of Hope
12 Lodge."

13 Act of June 28, 1957 (P.L.425, No.233), entitled "An act
14 authorizing the Department of Property and Supplies, with the
15 approval of the Pennsylvania Historical and Museum Commission,
16 to acquire on behalf of the Commonwealth, certain land,
17 buildings and personal property located in the Township of
18 Whitemarsh, Montgomery County."

19 Act of July 8, 1957 (P.L.556, No.308), entitled "A supplement
20 to the act of June 12, 1931 (P.L.588, No.201), entitled 'An act
21 authorizing the Department of Property and Supplies to acquire
22 lands in Harris Township, Centre County, for the use of the
23 Department of Military Affairs; and making an appropriation,'
24 transferring the control, supervision and management of the
25 lands of the Pennsylvania Historical and Museum Commission;
26 requiring the commission to complete and thereafter maintain the
27 'Twenty-eighth Division Shrine' thereon, dedicating the same to
28 the officers and men of the Twenty-eighth Division; creating the
29 Twenty-eighth Division Memorial Shrine Advisory Board, and
30 prescribing its powers and duties; and making an appropriation."

1 Act of July 17, 1957 (P.L.960, No.413), entitled "An act
2 authorizing the Pennsylvania Historical and Museum Commission to
3 acquire, by gift, on behalf of the Commonwealth, the real
4 property known as Graeme Park in Horsham Township, Montgomery
5 County; providing for its control, management, supervision,
6 restoration, improvement and maintenance; and making an
7 appropriation."

8 Act of July 18, 1957 (P.L.1005, No.445), entitled "An act
9 authorizing the Pennsylvania Historical and Museum Commission to
10 acquire land on which is located the Old Bradford House in the
11 City of Washington, Washington County; providing for its repair;
12 authorizing an agreement for the administration thereof by the
13 Washington County Historical Society, and making an
14 appropriation."

15 Act of July 18, 1957 (P.L.1011, No.447), entitled "An act
16 directing the Department of Highways to transfer the Searights
17 Toll House to the Pennsylvania Historical and Museum Commission;
18 providing for the repair of the Toll House; authorizing the
19 Pennsylvania Historical and Museum Commission to enter into an
20 agreement for the administration thereof by the Westmoreland-
21 Fayette Historical Society; and making an appropriation."

22 Act of July 27, 1959 (P.L.574, No.182), entitled "An act
23 authorizing the Pennsylvania Historical and Museum Commission to
24 acquire by gift on behalf of the Commonwealth real property of
25 approximately one acre adjacent to the Hope Lodge property of
26 the Commonwealth; providing for its control, management,
27 supervision, restoration, improvement and maintenance, and
28 making it part of the Hope Lodge property."

29 Act of November 16, 1959 (P.L.1509, No.528), entitled "An act
30 authorizing the Pennsylvania Department of Property and

1 Supplies, acting for the Commonwealth of Pennsylvania, to
2 acquire by gift from the Borough of Northumberland that certain
3 tract of land in Northumberland Borough, County of
4 Northumberland, upon which is located the home of Joseph
5 Priestley and which is now the property of the Borough of
6 Northumberland; providing for the control, management,
7 supervision, improvement and maintenance thereof by the
8 Pennsylvania Historical and Museum Commission; authorizing the
9 Pennsylvania Historical and Museum Commission to make and
10 enforce rules and regulations for the preservation, maintenance
11 and visitation thereof; authorizing the Pennsylvania Historical
12 and Museum Commission to accept in trust from the American
13 Chemical Society and other interested societies or individuals
14 such moneys as they may see fit to present to the Commonwealth
15 to assist in the maintenance and development of this property as
16 a permanent memorial; authorizing the Pennsylvania Historical
17 and Museum Commission to accept as gifts or loans such books,
18 manuscripts, pamphlets, relics and furniture as interested
19 societies or individuals may provide for enhancing the interests
20 of this property as a museum of science; creating an advisory
21 board to assist in such functions and making an appropriation."

22 Act of December 16, 1959 (P.L.1856, No.681), entitled "An act
23 authorizing the Pennsylvania Historical and Museum Commission to
24 acquire the Pechin House; providing for the repair of the Pechin
25 House; authorizing the Pennsylvania Historical and Museum
26 Commission to enter into an agreement for the administration
27 thereof by the King of Prussia Historical Society; and making an
28 appropriation."

29 Act of December 16, 1959 (P.L.1875, No.685), entitled "An act
30 authorizing the conveyance of Fort Necessity Park in Wharton

1 Township, Fayette County, to the government of the United States
2 of America for use as a National Park and with certain
3 reservations ceding jurisdiction over such lands."

4 Act of December 21, 1959 (P.L.1960, No.714), entitled "An act
5 authorizing the Department of Property and Supplies to acquire,
6 by gift, on behalf of the Pennsylvania Historical and Museum
7 Commission, the historic property known as the Tuscarora
8 Academy, and authorizing the Pennsylvania Historical and Museum
9 Commission to restore the same, and to enter into an agreement
10 with the Tuscarora Academy Preservation Commission, Inc., for
11 the management and maintenance of the same, and making an
12 appropriation."

13 Act of July 26, 1961 (P.L.912, No.394), entitled "An act to
14 provide for the exchange of historical materials between
15 historical societies as herein defined."

16 Act of September 18, 1961 (P.L.1469, No.620), entitled "An
17 act authorizing the Pennsylvania Historical and Museum
18 Commission to acquire by gift on behalf of the Commonwealth
19 certain land located in the Borough of Cornwall, Lebanon
20 County."

21 Act of September 27, 1961 (P.L.1693, No.694), entitled "An
22 act making an appropriation to the Pennsylvania Historical and
23 Museum Commission for the repair and restoration of the Caleb
24 Pusey House subject to certain conditions."

25 Act of August 8, 1963 (P.L.617, No.325), entitled "An act
26 authorizing the Pennsylvania Historical and Museum Commission to
27 acquire by gift on behalf of the Commonwealth certain land
28 located in Cornplanter Township, Venango County."

29 Act of November 10, 1965 (P.L.717, No.344), entitled "An act
30 authorizing the Pennsylvania Historical and Museum Commission to

1 acquire by gift on behalf of the Commonwealth certain land
2 located in Upper Augusta Township, Northumberland County."

3 Act of December 8, 1965 (P.L.1056, No.404), entitled "An act
4 authorizing the Pennsylvania Historical and Museum Commission to
5 acquire by gift on behalf of the Commonwealth certain land
6 located in Whitemarsh Township, Montgomery County."

7 Act of January 24, 1966 (1965 P.L.1508, No.530), entitled "An
8 act directing the Pennsylvania Historical and Museum Commission
9 to assist in the construction of a replica of Fort Franklin,
10 Franklin, Pennsylvania; and making an appropriation to the
11 Pennsylvania Historical and Museum Commission for such
12 assistance in cooperation with the Venango County Museum
13 Corporation."

14 Act of July 25, 1967 (P.L.182, No.53), entitled "An act
15 authorizing the Pennsylvania Historical and Museum Commission to
16 acquire by gift, on behalf of the Commonwealth, a tract of land
17 with a structure thereon known as Peace Church in Hampden
18 Township, Cumberland County."

19 Act of November 16, 1967 (P.L.494, No.241), entitled "An act
20 authorizing the Pennsylvania Historical and Museum Commission to
21 acquire by gift on behalf of the Commonwealth the real property
22 known as Chillisquaque School House in West Chillisquaque
23 Township, Northumberland County; and providing for its control,
24 management, supervision, restoration, improvement and
25 maintenance."

26 Act of November 27, 1967 (P.L.631, No.290), entitled "An act
27 authorizing the acceptance, as a gift, of the Bindnagles
28 Evangelical Lutheran Church in Lebanon County, North Londonderry
29 Township, to be administered by the Pennsylvania Historical and
30 Museum Commission."

1 Act of August 1, 1969 (P.L.206, No.83), entitled "An act
2 authorizing the Pennsylvania Historical and Museum Commission to
3 acquire, by gift on behalf of the Commonwealth, certain
4 properties related to development of historic sites and museums;
5 to manage, administer and develop the properties; and to provide
6 a research center for certain collections."

7 Act of March 2, 1970 (P.L.77, No.35), entitled "An act
8 authorizing the Pennsylvania Historical and Museum Commission to
9 edit and publish volume one of the Statutes at Large."

10 Act of November 25, 1970 (P.L.704, No.228), entitled "An act
11 authorizing the Pennsylvania Historical and Museum Commission to
12 enter into necessary agreements with the City of Easton and the
13 Pennsylvania Canal Society to assist in the management,
14 planning, and development of the Forks of the Delaware Canal
15 Museum located in the City of Easton, Northampton County and
16 further authorizing the commission to employ necessary personnel
17 and contract for necessary services."

18 Act of November 25, 1970 (P.L.752, No.245), entitled "An act
19 authorizing and directing the Department of Property and
20 Supplies, with the approval of the Governor and the Department
21 of Public Welfare to transfer the jurisdiction and control from
22 the Department of Public Welfare to the Pennsylvania Historical
23 and Museum Commission 5.49 acres of land, situate in Susquehanna
24 Township, Dauphin County, Pennsylvania."

25 Act of August 12, 1971 (P.L.309, No.76), entitled "An act
26 authorizing the Pennsylvania Historical and Museum Commission to
27 acquire by gift on behalf of the Commonwealth certain land
28 located in the City of Chester, Delaware County."

29 Act of November 8, 1971 (P.L.531, No.135), entitled "An act
30 authorizing the Pennsylvania Historical and Museum Commission on

1 behalf of the Commonwealth to acquire the historic John Brown
2 House in the Borough of Chambersburg, Franklin County."

3 Act of May 17, 1973 (P.L.29, No.14), entitled "An act
4 designating the Pennsylvania Lumber Museum at Denton Hill,
5 Potter County, Pennsylvania, as The James S. Berger Lumber
6 Museum."

7 Act of July 30, 1975 (P.L.102, No.53), entitled "An act
8 authorizing the Department of Property and Supplies, with the
9 approval of the Governor and the Historical and Museum
10 Commission, to transfer Valley Forge State Park to the United
11 States of America."

12 Act of June 23, 1978 (P.L.499, No.78), entitled "An act
13 authorizing the Pennsylvania Historical and Museum Commission,
14 with the approval of the Governor, to transfer certain Project
15 70 lands in Lancaster County in exchange for a parcel of land
16 belonging to the Fulton Township Supervisors."

17 Act of July 1, 1978 (P.L.565, No.98), entitled "An act
18 authorizing the Department of General Services, on behalf of the
19 Commonwealth to acquire certain land in the Borough of Cornwall,
20 Lebanon County, Pennsylvania."

21 Act of November 22, 1978 (P.L.1160, No.273), known as the
22 Historic Preservation Act.

23 Act of December 13, 1979 (P.L.517, No.113), entitled "An act
24 authorizing and directing the Department of Justice, with the
25 approval of the Governor, to accept as partial payment, upon
26 maturity, of a certain Series D Serial Note of The Penn Central
27 Corporation, certain historic railroad engines, railroad cars
28 and associated railroad equipment of historical interest and
29 value, having an appraised value of \$1,200,000 presently located
30 at the Railroad Museum of Pennsylvania in Strasburg,

1 Pennsylvania, and providing for the custody of such engines,
2 cars and equipment."

3 Act of June 12, 1981 (P.L.90, No.30), entitled "An act
4 authorizing the Department of General Services, on behalf of the
5 Commonwealth, to acquire by gift certain land in Fulton
6 Township, Lancaster County, Pennsylvania."

7 Act of June 12, 1981 (P.L.91, No.31), entitled "An act
8 authorizing the Department of General Services, on behalf of the
9 Commonwealth, to acquire by gift certain land in Falls Township,
10 Bucks County, Pennsylvania."

11 (b) All other acts and parts of acts are repealed insofar as
12 they are inconsistent with this act.

13 Section 6. This act shall take effect January 1, 1988, or
14 immediately, whichever is later.