
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1731 Session of
1987

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 18, 1988

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; PROVIDING FOR THE <—
7 BRANDYWINE BATTLEFIELD PARK COMMISSION AND THE WASHINGTON
8 CROSSING PARK COMMISSION; ESTABLISHING AN OFFICIAL FLAGSHIP <—
9 OF PENNSYLVANIA; abolishing certain ~~boards and commissions~~ <—
10 ADVISORY BOARDS; ADDING PROVISIONS RELATING TO CONCURRENT <—
11 JURISDICTION; and making repeals.

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

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

10 TITLE 37

11 HISTORICAL AND MUSEUMS

12 Chapter

13 1. General Provisions

14 3. Powers and Duties of Pennsylvania Historical
15 and Museum Commission

16 5. Historic Preservation

17 7. Historic Properties

18 9. CONCURRENT JURISDICTION.

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19 CHAPTER 1

20 GENERAL PROVISIONS

21 Sec.

22 101. Short title of title.

23 102. Declaration of policy.

24 103. Definitions.

25 104. Pennsylvania Historical and Museum Commission.

26 § 101. Short title of title.

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

29 § 102. Declaration of policy.

30 It is hereby determined and declared as a matter of

1 legislative finding and policy that:

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

5 (2) The conservation of Pennsylvania's historic and
6 natural heritage and the preservation of public records,
7 historic documents and objects of historic interest, and the
8 identification, restoration and preservation of
9 architecturally and historically significant sites and
10 structures are duties vested primarily in the Pennsylvania
11 Historical and Museum Commission.

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

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

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

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

27 § 103. Definitions.

28 Subject to additional definitions contained in subsequent
29 provisions of this title which are applicable to specific
30 provisions of this title, the following words and phrases when

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

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

7 "Archaeological specimens." All artifacts, remains, objects
8 or any other evidence of historic, prehistoric or
9 anthropological value, whether found above or below the surface
10 of the earth.

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

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

15 "Historic preservation." The research, restoration,
16 rehabilitation and other activities furthering the protection,
17 enhancement, preservation or enjoyment of historic resources.

18 "Historic property." Any historical building, ground,
19 monument or cultural remain committed by statute to the custody
20 of the commission.

21 "Historic resource." A building, structure, object,
22 district, place, site or area significant in the history,
23 architecture, maritime heritage, archaeology or culture of this
24 Commonwealth, its communities or the nation.

25 "Pennsylvania Register of Historic Places." A selected
26 inventory of historic resources determined by the commission to
27 be significant in the history, architecture, archaeology or
28 culture of this Commonwealth, its communities or the nation.

29 "Private historical organization." An organization
30 constituted to engage in professional or nonprofessional

1 activities within the disciplines of history, archaeology,
2 museum management, natural history, the arts or historic
3 preservation on an academic, scholarly or popular basis.

4 "Public officials." Officers, agents and employees of the
5 Federal Government, Commonwealth of Pennsylvania, ~~its counties,~~ <—
6 ~~townships, municipalities and other political subdivisions.~~ OR <—
7 ANY OF ITS POLITICAL SUBDIVISIONS.

8 "Qualified historical or archaeological society." A private
9 historical or archaeological organization or other historical
10 society which satisfies the requirements provided in section 307
11 (relating to qualified historical and archaeological societies).

12 § 104. Pennsylvania Historical and Museum Commission.

13 (a) Membership.--The Pennsylvania Historical and Museum
14 Commission shall consist of the Secretary of Education, or his
15 designee; nine ~~citizens~~ RESIDENTS of this Commonwealth appointed <—
16 by the Governor with the advice and consent of a majority of the
17 members elected to the Senate; and four members of the General
18 Assembly, two from the Senate, one of whom shall be appointed by
19 the President pro tempore and one by the Minority Leader, and
20 two from the House of Representatives, one of whom shall be
21 appointed by the Speaker and one by the Minority Leader.

22 (b) Term of office.--A member appointed from the General
23 Assembly shall serve for a term to expire with his concurrent
24 term as a legislator and shall serve until a successor is
25 appointed and qualified, unless he is not elected for the next
26 succeeding term as a member of the General Assembly, in which
27 case a vacancy shall occur. Members other than the members of
28 the General Assembly shall serve for a term of four years and
29 shall serve until a successor is appointed and qualified, ~~but no~~ <—
30 ~~longer than six months beyond the four year period.~~

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

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

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

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

12 (g) Executive director.--The commission shall appoint an
13 executive director who shall attend to the administrative work
14 of the commission. The executive director shall serve at the
15 pleasure of the commission, which shall fix his compensation,
16 subject to the approval of the Governor. No member of the
17 commission or person who has served as a member of the
18 commission within one year shall be eligible for appointment as
19 executive director.

20 (h) Historical Preservation Fund.--The money collected by
21 the commission from all fees, sales and other activities shall
22 be paid into the State Treasury through the Department of
23 Revenue and credited to the Historical Preservation Fund. The
24 money in the fund may be used by the commission AND IS HEREBY <—
25 APPROPRIATED TO IT in exercising its powers and performing its
26 duties as set forth in this title.

27 CHAPTER 3

28 POWERS AND DUTIES OF

29 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

30 Sec.

- 1 301. General powers and duties.
- 2 302. Specific powers and duties.
- 3 303. Sites.
- 4 304. Personal property.
- 5 305. Documents.
- 6 306. Publications and reproductions.
- 7 307. Qualified historical and archaeological societies.

8 § 301. General powers and duties.

9 The commission shall have the power and duty to:

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

12 (2) Preserve public records, historical documents and
13 objects of historical interest, POSSESSION AND CONTROL OF <—
14 WHICH HAVE BEEN TRANSFERRED TO THE COMMISSION.

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

17 (4) Provide for historical research and interpretation
18 and public access to this heritage.

19 § 302. Specific powers and duties.

20 The commission shall have the power and duty to:

21 (1) Pecuniary gifts.--Accept, on behalf of the
22 Commonwealth, gifts and bequests, including securities, for
23 the endowment of its work in accordance with the instructions
24 of the donors and in conjunction with the Governor and State
25 Treasurer, who shall, together with the members of the
26 commission, constitute a body of trustees for the care of
27 these funds. These trustees shall invest the funds in bonds
28 of the Commonwealth or any of its political subdivisions and
29 employ the interest and income from these investments for the
30 purposes of the commission or apply these funds to the uses

1 specified by the respective donors of the funds. Any donor of
2 money or other property may specify that the donation shall
3 be held in the form acquired, or shall be invested in or
4 converted into some other specific property or class of
5 investment, in which case the trustees shall be relieved of
6 all liability which may result from the imprudent investment
7 of the money so long as they comply with the instructions of
8 the donor.

9 (2) Independent and cooperative services or programs.--
10 Upon its own initiative or in cooperation with historical
11 societies or organizations, conduct investigations upon
12 historical or archaeological matters relative to this
13 Commonwealth and report the findings for public information;
14 with the approval of the Governor, enter into agreements with
15 responsible historical associations, foundations and similar
16 private organizations or with Federal agencies or public
17 agencies of other states in order to carry on services or
18 programs.

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

resources throughout this Commonwealth; maintain a central repository for map locations and written descriptions of such sites and historic resources; conduct, or cause to be conducted, research upon the cultural objects and data related to the cultural history of this Commonwealth and interpret the results of the research in scientific and popular publications, exhibits and special educational programs for the public; and undertake appropriate conservation, research, restoration and storage of all material items and data relative to the cultural heritage of this Commonwealth, which accrue to the archaeological and anthropological collections of the commission.

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

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

(6) Geographic names.--Determine all unsettled questions concerning geographic names which arise in any department and determine the names of mountains, rivers, creeks and other

1 topographic features in this Commonwealth. In the exercise of
2 its powers and the performance of its duties under this
3 paragraph, the commission shall cooperate with the United
4 States Board on Geographic Names.

5 (7) Procurement of expert advice.--Consult with or
6 procure the advice of experts in archaeology, anthropology,
7 history, historical restoration, archival management, museum
8 work or other fields related to its activities, compensate
9 them for their services and establish committees of experts
10 as needed to procure the advice.

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

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

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

29 (11) Rules and regulations.--Promulgate rules and
30 regulations necessary for the implementation of its powers

1 and duties.

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

5 (i) A summary of the overall condition of museums
6 and historic sites and holdings, including staffing
7 levels and site visits by senior management personnel.

8 (ii) A report on the operation of the Conservation
9 Center.

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

12 (iv) A summary of collection deaccessioning
13 activities.

14 (v) A summary of the progress in computerization of
15 collections and inventories.

16 § 303. Sites.

17 The commission shall have the power and duty to:

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

25 (2) Marking historical and archaeological sites.--Upon
26 its own initiative or upon petition of a municipality or
27 historical society, mark by proper monuments, tablets or
28 markers, bearing the Commonwealth crest, places or buildings
29 in this Commonwealth where historical or cultural events have
30 transpired or, with the consent of the state or county having

1 jurisdiction, places or buildings outside of this
2 Commonwealth having to do with its history; and arrange for
3 the care or maintenance of these markers or monuments.

4 (3) Management of historic properties.--Based upon
5 accepted professional museum practices, assume the
6 preservation, care and maintenance of historic property,
7 including those historic properties listed in section 702
8 (relating to powers over certain historic property);
9 promulgate and enforce rules and regulations for the
10 visitation of historic property by the public; and charge
11 admission fees to historic property at its discretion, which
12 fees shall be paid into the State Treasury through the
13 Department of Revenue and credited to the Historical
14 Preservation Fund.

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

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

30 (6) Monuments and markers.--Approve the inscription and

1 proposed location of any historical monument or marker to be
2 erected or placed by any public or private corporation,
3 association, society, organization or person at any place in
4 this Commonwealth.

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

13 § 304. Personal property.

14 The commission shall have the power and duty to:

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

25 (2) Exhibition of objects.--Conduct under accepted
26 professional practices the management and exhibition of
27 objects; acquire by purchase, gift, loan, bequest or other
28 lawful transfer objects relating to the culture of this
29 Commonwealth and examine, research, catalog and preserve
30 them; manage, care and exhibit these objects in the areas of

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

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

20 (4) Sale or other disposition.--Exchange or otherwise
21 dispose of material with other museums, archival
22 repositories, historical societies or other reliable
23 organized groups of an educational nature; and sell at public
24 auction historical artifacts pursuant to its rules and
25 regulations, provided that a historical artifact shall not be
26 sold at public auction unless the commission has determined
27 that the exchange or disposal of that artifact by the other
28 means authorized by this paragraph is not feasible and that
29 the property would not be beneficial to the commission if it
30 were used other than as an artifact. If the original donor

1 was an individual, the original donor shall be notified, if
2 he can be located, and if the original donor is deceased, his
3 children shall be notified, if they can be located, and be
4 given an opportunity to reacquire the object, prior to its
5 being offered at auction. If the original donor was not an
6 individual, the original donor shall be notified, if it or
7 its successor can be located, and be given an opportunity to
8 reacquire the object, prior to its being offered at auction.
9 The opportunity of an original donor to reacquire an object
10 shall not be construed to diminish the commission's control
11 over a historical artifact subsequent to its acquisition by
12 the commission and prior to its disposition. These sales
13 shall be ~~excluded from the provisions of section 510 of the~~ <—
14 ~~act of April 9, 1929 (P.L.177, No.175), known as The~~
15 ~~Administrative Code of 1929.~~ CONDUCTED BY THE DEPARTMENT OF <—
16 GENERAL SERVICES. Income produced through these sales shall
17 be paid into the State Treasury through the Department of
18 Revenue and credited to the Historical Preservation Fund and
19 allocated solely for collection acquisition or conservation
20 purpose. No unique object, article, manuscript, document or
21 other material, which is of special significance to the
22 history of this Commonwealth, shall be sold.

23 (5) NOTICE REQUIREMENTS.--GIVE WRITTEN NOTICE OF THE <—
24 PROPOSED SALE, INCLUDING A DESCRIPTION OF THE ARTIFACT AND
25 ITS CONDITION, AND THE NAME AND LAST KNOWN ADDRESS OF THE
26 DONOR SHALL BE TRANSMITTED TO THE CHAIRMEN OF THE STATE
27 GOVERNMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF
28 THE SENATE, RESPECTIVELY, BEFORE ANY HISTORIC ARTIFACT SHALL
29 BE SOLD PURSUANT TO PARAGRAPH (4).

30 § 305. Documents.

1 The commission shall have the power and duty to:

2 (1) Research on Commonwealth documents.--Examine and
3 copy or microfilm any PUBLIC records within the control of a <—
4 Commonwealth agency for the purposes of historical research.

5 (2) Preservation of public records.--Preserve all public
6 records throughout this Commonwealth and give special
7 attention to the preservation of all records of the
8 Commonwealth not in current use and of historical value;

9 negotiate for the transfer and receipt of public records from
10 any Commonwealth agency or political subdivision; and provide
11 for the disposition of records not needed or useful in the
12 transaction of current or anticipated future work of the
13 Commonwealth under section 524 of the act of April 9, 1929
14 (P.L.177, No.175), known as The Administrative Code of 1929.

15 The commission shall be the legal custodian of any public
16 records transferred to it by any Commonwealth agency or
17 political subdivision. The head of any Commonwealth agency or
18 political subdivision may transfer to the commission public
19 records legally in his custody not needed for the transaction
20 of the business of the office whenever the commission is
21 willing to receive and care for them.

22 (3) Management of historical documents.--Collect,
23 classify, preserve and make available for reference all
24 records which may come into its possession with the
25 exceptions indicated by the commission; and examine the
26 condition of the PUBLIC records, books, pamphlets, documents, <—
27 manuscripts, archives, maps and papers filed or recorded in
28 any Commonwealth agency or political subdivision. The
29 executive director or any employees authorized by him shall
30 have reasonable access to all public records in this

1 Commonwealth for the purpose of examining them and shall
2 report to the commission on their condition.

3 (4) Regulation of Commonwealth records.--Recommend such
4 action be taken by the persons having the care and custody of
5 public records as may be necessary to secure their safety and
6 preservation; cause all laws relating to public records to be
7 enforced; and recommend and enforce uniform standards
8 governing the use of paper, ink and filing procedure for all
9 records and papers of Commonwealth agencies and political
10 subdivisions that are considered of permanent historical
11 importance.

12 (5) Certificates relating to public records.--Furnish
13 certificates relating to public records, or copies thereof,
14 upon the payment of fees established by the commission or
15 otherwise fixed by law.

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

17 (i) Records of the first titles acquired by the
18 proprietaries and the Commonwealth to all the lands
19 within its boundaries.

20 (ii) Records of all lands and conveyances from the
21 proprietaries and the Commonwealth to the purchasers of
22 the land.

23 (iii) Papers relating to the surveys of this
24 Commonwealth and county lines and the reports of
25 commissioners relating to the boundary lines of this
26 Commonwealth.

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

29 (v) Contracts, section profile maps and other
30 records relating to public works.

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

§ 306. Publications and reproductions.

The commission shall have the power and duty to:

(1) General.--Publish or republish, either through the Department of General Services or cooperatively by and with private historical organizations, materials of historical or archaeological interest; compile, edit and print these publications; enter into agreements with publishers to subsidize the publication of books on Pennsylvania history, archaeology, anthropology, art, cartography, folklore and other cultural elements of Pennsylvania's heritage by agreeing to purchase a sufficient number to make publication possible, but these agreements shall be subject to the approval of the Governor and the State Treasurer; produce or reproduce facsimiles of historical material and enter into agreements to subsidize the manufacture of facsimiles of historical material by agreeing to purchase a sufficient number to make manufacture possible, but these agreements shall be subject to the approval of the Governor and the State Treasurer; and sell publications, reprints of publications, reproductions or replicas, postcards and souvenirs of an historical nature at the State Museum and at the other historic properties and museums administered by the commission.

(2) Official repositories.--Establish one official repository for its publications from among the qualified historical or archaeological societies within each of the geographic areas established and defined by the Department of Community Affairs as "Standard Regions." The Pennsylvania

1 State Library and the Library of Congress shall also be
2 official repositories for commission publications.

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

10 (4) Proprietary rights to subscription lists.--Maintain
11 proprietary rights over subscriber, membership or address
12 lists that it creates which are excluded from provisions of
13 the act of June 21, 1957 (P.L.390, No.212), referred to as
14 the Right-to-Know Law.

15 § 307. Qualified historical and archaeological societies.

16 Any historical or archaeological society in this Commonwealth
17 shall be deemed to be a qualified historical or archaeological
18 society if it:

19 (1) Has at least 100 paid members, has been organized at
20 least two years and has been incorporated as a corporation
21 not-for-profit.

22 (2) Holds at least one public meeting annually at which
23 papers are read or discussions held on historical or
24 archaeological subjects.

25 (3) Has adopted a constitution and bylaws and has
26 elected proper officers to conduct its business.

27 (4) Has either established a museum or library in which
28 books, documents, papers and other objects of historical and
29 cultural interest are deposited or has made periodic
30 publications totaling at least 25 pages each year relating to

1 the history of this Commonwealth or of the area in which the
2 society is located.

3 CHAPTER 5

4 HISTORIC PRESERVATION

5 Sec.

6 501. Short title of chapter.

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15 resources.

16 510. Approval of construction affecting historic resources.

17 511. Criminal penalties.

18 512. Enforcement of historic preservation laws and policies.

19 § 501. Short title of chapter.

20 This chapter shall be known and may be cited as the Historic
21 Preservation Act.

22 § 502. Powers and duties of commission.

23 In addition to the powers and duties provided in Chapter 3
24 (relating to powers and duties of Pennsylvania Historical and
25 Museum Commission), the commission shall have the power and duty
26 to:

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

30 (2) Compile, maintain, revise and publish a selected

1 inventory of significant historic resources in this
2 Commonwealth, to be known as the Pennsylvania Register of
3 Historic Places, pursuant to criteria of significance
4 approved by the commission.

5 (3) Conduct research and compile documentation regarding
6 historic resources.

7 (4) Prepare a comprehensive plan for the preservation of
8 the historic resources in this Commonwealth, including
9 suggested priorities for the allocation of public and private
10 financial resources.

11 (5) Undertake the activities necessary to qualify the
12 Commonwealth for participation in programs and sources of
13 Federal assistance for purposes of historic preservation.

14 (6) Provide information and advice on historic resources
15 and appropriate preservation procedures to public officials,
16 private individuals and organizations.

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

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

22 (9) Undertake activities to stimulate public interest in
23 historic preservation, including publications, newsletters
24 and conferences.

25 (10) Coordinate and comment upon activities of public
26 officials affecting historic resources and preservation
27 activities.

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

30 (12) Acquire easements in properties of historic,

1 architectural and archaeological significance by gift,
2 purchase, devise or any other lawful transfer when
3 acquisition is necessary for the preservation thereof.

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

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

9 § 503. Inclusion of property on register.

10 The owner of private property of historic, architectural or
11 archaeological significance, or a majority of the owners of
12 private properties within a proposed historic district, shall be
13 given the opportunity to concur in, or object to, the nomination
14 of the property or proposed district for inclusion on the
15 Pennsylvania Register of Historic Places. If the owner of the
16 property, or a majority of the owners of the properties within
17 the proposed historic district, object to the inclusion, the
18 property shall not be included on the register.

19 § 504. Historic Preservation Board.

20 (a) Membership.--The board shall be composed of no less than
21 nine ~~citizens~~ RESIDENTS designated by the commission, pursuant <—
22 to recommendations by the executive director with the approval
23 of the Governor. The board shall include at least one member
24 with demonstrated competence in each of the following
25 disciplines: architecture, archaeology, architectural history,
26 history and historic preservation.

27 (b) Term of office.--Members shall serve for a term of two
28 years without compensation, other than reimbursement for actual
29 and necessary expenses incurred in the performance of their
30 duties in accordance with Commonwealth regulations, AND SHALL <—

1 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

2 § 505. Powers and duties of board.

3 The Historic Preservation Board shall have the power and duty
4 to:

5 (1) Advise the commission on criteria of significance
6 for inclusion of historic resources on the Pennsylvania
7 Register of Historic Places.

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

10 (3) Review and comment upon the commission's
11 comprehensive preservation plan for historic resources within
12 this Commonwealth.

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

16 § 506. Archaeological field investigations on Commonwealth
17 land.

18 (a) Right to conduct field investigations.--The Commonwealth
19 reserves the exclusive right to conduct archaeological field
20 investigations on archaeological resources owned or controlled
21 by it, in order to protect and preserve archaeological specimens
22 and information. The specimens and information shall remain the
23 property of the Commonwealth and shall be utilized for
24 scientific and public educational purposes.

25 (b) Responsibility of commission.--The commission shall be
26 responsible for the preservation, protection and proper
27 investigation of archaeological resources located on land owned
28 or controlled by the Commonwealth, including any submerged land
29 owned or controlled by the Commonwealth.

30 (c) Survey of archaeological resources.--The commission

1 shall conduct surveys and prepare maps of archaeological
2 resources located on lands in this Commonwealth and may make
3 available the results of these surveys to the Federal
4 Government, Commonwealth agencies and political subdivisions
5 conducting activities which would affect these archaeological
6 resources. The commission shall have and maintain proprietary
7 rights over the maps and surveys indicating the location of
8 archaeological resources or archaeological field investigations
9 that have been inventoried or surveyed. These maps and surveys
10 are excluded from the provisions of the act of June 21, 1957
11 (P.L.390, No.212), referred to as the Right-to-Know Law.

12 (d) Permits for field investigations.--The commission may
13 issue permits for archaeological field investigations, subject
14 to any restraints and conditions it prescribes, if the
15 investigation is undertaken with the purpose of disseminating
16 the knowledge gained and if the applicant agrees to submit to
17 the commission a summary written report of the investigation,
18 containing relevant maps, documents, drawings and photographs.
19 All archaeological specimens collected pursuant to a permit
20 issued under this subsection shall be the exclusive property of
21 the Commonwealth, and the commission shall make appropriate
22 arrangements for their disposition and study.

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

24 (a) General rule.--Commonwealth agencies and political
25 subdivisions shall cooperate fully with the commission in the
26 preservation, protection and investigation of archaeological
27 resources and to that end shall:

28 (1) Notify all potential permittees, contractors or
29 other persons whose activities may affect archaeological
30 sites that the estimated cost of archaeological surveys or

1 archaeological field investigations is required to be
2 included within their bid or application for a permit.

3 (2) Notify the commission before undertaking any
4 Commonwealth or Commonwealth-assisted permitted or contracted
5 projects that may affect archaeological sites.

6 (3) Notify the commission when they become aware of any
7 undertaking in connection with any Commonwealth or
8 Commonwealth assisted permitted or contracted project,
9 activity or program which affects or may affect an
10 archaeological site, and provide the commission with
11 information concerning the project, program or activity.

12 (b) Survey or investigation by commission.--Upon
13 notification or determination that an archaeological resource is
14 or may be adversely affected, the commission may, within 60 days
15 after reasonable notice to the Commonwealth agency or political
16 subdivision, conduct a survey or other investigation to recover,
17 preserve or otherwise protect information from the
18 archaeological resource, provided that this subsection shall not
19 apply if a Commonwealth agency or a political subdivision
20 notified the commission in writing of the potential effect of a
21 proposed action on an archaeological resource and the commission
22 does not advise that Commonwealth agency or political
23 subdivision within 60 days that it intends to conduct a survey
24 or investigation.

25 § 508. Interagency cooperation.

26 Commonwealth agencies shall:

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

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

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

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

14 (5) Submit the procedures and policies described in
15 paragraphs (3) and (4) to the commission for review and
16 comment.

17 § 509. Transfer of Commonwealth land involving historic
18 resources.

19 Commonwealth agencies shall give the commission timely notice
20 of proposed transfers of real property owned or controlled by
21 the Commonwealth. Upon recommendation of the commission,
22 Commonwealth agencies may condition the transfer and may execute
23 covenants, deed restrictions or other contractual arrangements
24 which will most likely result in the preservation of any
25 historic resources located on or under the property to be
26 transferred.

27 § 510. Approval of construction affecting historic resources.

28 The commission shall be consulted on the design and proposed
29 location of any project, building or other undertaking financed
30 in whole or in part by Commonwealth funds which may affect the

1 preservation and development of a district, site or building
2 listed on or eligible for the Pennsylvania Register of Historic
3 Places.

4 § 511. Criminal penalties.

5 A person who conducts a field investigation on any land or
6 ~~underwater~~ SUBMERGED land owned or controlled by the <—
7 Commonwealth, without first obtaining a permit from the
8 commission, or a person who appropriates, defaces, destroys or
9 otherwise alters any archaeological site or specimen located
10 upon lands owned or controlled by the Commonwealth, except in
11 the course of activities pursued under the authority of a permit
12 granted by the commission, commits a misdemeanor of the third
13 degree and shall, upon conviction, be sentenced to pay a fine of
14 not more than \$2,500 or to imprisonment for not more than one
15 year, or both. In addition, such person shall forfeit to the
16 Commonwealth all archaeological specimens collected or excavated
17 together with any photographs and records relating to such
18 specimens.

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

20 The Attorney General, the commission, any political
21 subdivision, person or other legal entity may maintain an action
22 in an administrative tribunal or court for the protection or
23 preservation of any historic resource in this Commonwealth.

24 CHAPTER 7

25 HISTORIC PROPERTIES

26 Sec.

27 701. Title to historic property.

28 702. Powers over certain historic property.

29 703. BRANDYWINE BATTLEFIELD. <—

30 704. WASHINGTON CROSSING.

1 705. UNITED STATES BRIG NIAGARA.

2 § 701. Title to historic property.

3 (a) General rule.--Unless otherwise provided by statute with
4 respect to particular historic property, the title to historic
5 property shall be taken in the name of the Commonwealth and
6 shall, before its acquisition, be certified by counsel for the
7 commission.

8 (b) Leases.--

9 (1) For purposes of historic preservation, or for
10 educational, recreational or agricultural purposes, or for
11 parking areas or concessions for the convenience and comfort
12 of the public, the commission may lease historic property for
13 a period not to exceed five years to any person or
14 organization of the Commonwealth. The commission shall lease
15 the property in the following manner:

16 (i) Those sites and museums which have nonprofit
17 allied groups whose purpose is related to the educational
18 mission of a particular property shall receive special
19 contract preference. In those instances where the above
20 criteria is met, the commission shall be permitted to
21 enter into a lease without competitive bidding.

22 (ii) When the criteria enumerated in subparagraph
23 (i) are not met, sites and museums are to be leased in
24 accordance with competitive bidding procedures, i.e. open
25 to all profit and nonprofit organizations. All requests
26 for bid proposals, as well as the leases, shall contain
27 restrictions protecting the historical integrity of the
28 site, insuring that appropriate historical preservation
29 standards are maintained and require appropriate
30 insurance coverage by the lessee.

(2) 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 (Public Law 99-514, 26 U.S.C. §§ 48, 168) relating to investment tax credit for historic preservation.

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

(4) The commission may lease historic property to a unit ~~of local government~~ POLITICAL SUBDIVISION willing to assume total fiscal and management responsibility for a period of time up to 99 years, provided that such leases contain restrictions protecting the historical integrity of the site, insuring that appropriate historical preservation standards are maintained and require appropriate insurance coverage by the lessee. <—

§ 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) Bloody Spring.

~~(3) Brightbill Property.~~ <—

~~(4) Brandywine Battlefield.~~

(3) BRANDYWINE BATTLEFIELD. <—

(4) BRIGHTBILL PROPERTY.

(5) Bushy Run Battlefield.

(6) Captain Phillips's Rangers Memorial.

1	(7) Cashiers House.	
2	(8) Conrad Weiser Homestead.	
3	(9) Cornwall Iron Furnace.	
4	(10) Curtin Village.	
5	(11) Daniel Boone Homestead.	
6	(12) David Bradford House.	
7	(13) Drake Well Museum.	
8	(14) Eckley Miners' Village.	
9	(15) Ephrata Cloister.	
10	(16) Flagship Niagara.	<—
11	(17) (16) Fort Augusta.	
12	(18) (17) Fort Le Boeuf Museum.	<—
13	(19) (18) Fort Loudon.	<—
14	(20) (19) Fort Pitt Museum.	<—
15	(21) (20) French Azilum.	<—
16	(22) (21) Governor Printz Park.	<—
17	(23) (22) Graeme Park.	<—
18	(24) (23) Harmony Society Graveyard.	<—
19	(25) (24) HISTORIC PEACE CHURCH.	<—
20	(25) (26) (25) Hope Lodge.	<—
21	(26) (27) (26) John Brown House.	<—
22	(27) (28) (27) Johnston Tavern.	<—
23	(28) (29) (28) Joseph Priestley House.	<—
24	(29) (30) (29) Judson House.	<—
25	(30) (31) (30) Landis Valley Museum.	<—
26	(31) (32) (31) Mather Mill.	<—
27	(32) (33) (32) McCoy House.	<—
28	(33) (34) (33) Monocacy Battlefield.	<—
29	(34) (35) (34) Morton Homestead.	<—
30	(35) (36) (35) Museum of Anthracite Mining.	<—

1	(36) (37) (36) Nathan Denison House.	<—
2	(37) (38) (37) Old Brown's Mill School.	<—
3	(38) (39) (38) Old Chester Court House.	<—
4	(39) (40) (39) Old Custom House.	<—
5	(40) (41) (40) Old Economy Village.	<—
6	(41) (42) (41) Old Mill Village.	<—
7	(42) (43) (42) Old Stone House.	<—
8	(43) Historic Peace Church.	<—
9	(44) (43) Pennsbury Manor.	
10	(45) (44) Pennsylvania Anthracite Heritage Museum.	<—
11	(46) (45) Pennsylvania Lumber Museum.	<—
12	(47) (46) Pennsylvania Military Museum.	<—
13	(48) (47) Pithole City.	<—
14	(49) (48) Pottsgrove Mansion.	<—
15	(50) (49) Railroad Museum of Pennsylvania.	<—
16	(51) (50) Robert Fulton Birthplace.	<—
17	(52) (51) Searights Tollhouse.	<—
18	(53) (52) Sodom School House.	<—
19	(54) (53) Somerset Historical Center.	<—
20	(55) William Penn Memorial Museum and Archives Building	<—
21	(State Museum of Pennsylvania).	
22	(56) (55) (54) The Highlands.	
23	(56) (55) THE PENNSYLVANIA STATE ARCHIVES.	<—
24	(57) (56) The Scranton Iron Furnace.	<—
25	(58) (57) THE STATE MUSEUM OF PENNSYLVANIA.	<—
26	(58) (59) (58) Thomas Hughes House.	<—
27	(59) (60) (59) Tuscarora Academy.	<—
28	(60) UNITED STATES BRIG NIAGARA.	<—
29	(60) (61) Warrior Run Church and Cemetery.	<—
30	(61) (62) Washington Crossing.	<—

1 § 703. BRANDYWINE BATTLEFIELD.

2 (A) PARK COMMISSION; MEMBERSHIP; TERM OF OFFICE.--THE
3 BRANDYWINE BATTLEFIELD PARK COMMISSION SHALL BE AN INDEPENDENT
4 ADMINISTRATIVE COMMISSION AND SHALL CONSIST OF TEN RESIDENTS OF
5 THIS COMMONWEALTH APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
6 CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE. THE
7 CHAIRMAN OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
8 SHALL SERVE AS AN EX OFFICIO MEMBER OF THE PARK COMMISSION AND
9 MAY DESIGNATE ANOTHER MEMBER OF THE PENNSYLVANIA HISTORICAL AND
10 MUSEUM COMMISSION OR THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
11 HISTORICAL AND MUSEUM COMMISSION TO REPRESENT THE CHAIRMAN AT
12 MEETINGS OF THE PARK COMMISSION. EACH MEMBER OF THE PARK
13 COMMISSION SHALL SERVE FOR A TERM OF FOUR YEARS AND SHALL SERVE
14 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED. EACH MEMBER SHALL
15 BE ELIGIBLE FOR REAPPOINTMENT.

16 (B) ORGANIZATION OF PARK COMMISSION.--EACH YEAR ON THE
17 ANNIVERSARY OF THE BATTLE OF BRANDYWINE, SEPTEMBER 11, 1777, OR
18 AS NEAR THERETO AS CONVENIENT, THE PARK COMMISSION SHALL ELECT
19 FROM AMONG ITS MEMBERS A CHAIRMAN, VICE CHAIRMAN, SECRETARY AND
20 TREASURER. THE PARK COMMISSION MAY ADOPT ANY RULES OF
21 ORGANIZATION AND PROCEDURE AS IT MAY DEEM APPROPRIATE AND MAY
22 DETERMINE THE DUTIES OF ITS OFFICERS. SIX MEMBERS SHALL
23 CONSTITUTE A QUORUM. MEMBERS OF THE PARK COMMISSION SHALL NOT
24 RECEIVE COMPENSATION BUT SHALL RECEIVE REIMBURSEMENT FOR THEIR
25 ACTUAL EXPENSES INCURRED IN SERVING ON THE PARK COMMISSION.

26 (C) POWERS AND DUTIES OF PARK COMMISSION.--NOTWITHSTANDING
27 THE PROVISIONS OF SECTIONS 303(1) AND (3) (RELATING TO SITES)
28 AND 702 (RELATING TO POWERS OVER CERTAIN HISTORIC PROPERTY), THE
29 PARK COMMISSION SHALL PRESERVE THE PARK AS A PATRIOTIC AND
30 HISTORIC PLACE AND SHALL HAVE CUSTODY, CONTROL, MANAGEMENT AND

1 SUPERVISION OF THE PARK. THE PARK COMMISSION SHALL HAVE THE
2 POWERS AND DUTIES TO:

3 (1) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
4 COMMISSION BY SEPTEMBER 1 OF EACH YEAR A REPORT WHICH SHALL
5 INCLUDE A SUMMARY OF THE PARK COMMISSION'S ACTIVITIES DURING
6 THE PRECEDING FISCAL YEAR.

7 (2) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
8 COMMISSION BY OCTOBER 1 OF EACH YEAR A PRELIMINARY PLAN,
9 INCLUDING A PRELIMINARY BUDGET, FOR THE PARK COMMISSION'S
10 ACTIVITIES DURING THE NEXT FISCAL YEAR.

11 (3) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
12 COMMISSION BY MAY 1 OF EACH YEAR A FINAL PLAN, INCLUDING A
13 FINAL BUDGET, FOR THE PARK COMMISSION'S ACTIVITIES DURING THE
14 NEXT FISCAL YEAR.

15 (4) PROVIDE FOR LOCAL INPUT AND FOSTER LOCAL PUBLIC
16 SUPPORT FOR PROGRAMS AND ACTIVITIES AT THE PARK.

17 (5) ENCOURAGE AN APPRECIATION OF THE HISTORICAL
18 SIGNIFICANCE OF THE PARK FOR THE PEOPLE OF THIS COMMONWEALTH.

19 (6) COOPERATE WITH THE PENNSYLVANIA HISTORICAL AND
20 MUSEUM COMMISSION OR ANY OTHER FEDERAL, STATE OR LOCAL
21 AGENCY, OR ANY PRIVATE HISTORICAL ORGANIZATION OR FOUNDATION,
22 IN CONDUCTING PROGRAMS OR PROVIDING SERVICES TO FURTHER
23 IMPROVE OR DEVELOP THE PARK.

24 (7) PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE
25 IMPLEMENTATION OF ITS POWER AND DUTIES.

26 (D) AGREEMENT BETWEEN COMMISSIONS.--BY AUGUST 1 OF EACH
27 YEAR, THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION SHALL
28 ENTER INTO AN AGREEMENT WITH THE PARK COMMISSION SPECIFYING THE
29 FUNDING THAT WILL BE MADE AVAILABLE TO THE PARK COMMISSION FOR
30 THE FISCAL YEAR WHICH BEGAN ON JULY 1 OF THAT YEAR. THE

1 AGREEMENT MAY CONTAIN OTHER TERMS AND CONDITIONS NECESSARY FOR
2 COOPERATION BETWEEN THE PARK COMMISSION AND THE PENNSYLVANIA
3 HISTORICAL AND MUSEUM COMMISSION.

4 § 704. WASHINGTON CROSSING.

5 (A) PARK COMMISSION, MEMBERSHIP; TERM OF OFFICE.--THE
6 WASHINGTON CROSSING PARK COMMISSION SHALL BE AN INDEPENDENT
7 ADMINISTRATIVE COMMISSION AND SHALL CONSIST OF TEN RESIDENTS OF
8 THIS COMMONWEALTH APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
9 CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE. THE
10 CHAIRMAN OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
11 SHALL SERVE AS AN EX OFFICIO MEMBER OF THE PARK COMMISSION AND
12 MAY DESIGNATE ANOTHER MEMBER OF THE PENNSYLVANIA HISTORICAL AND
13 MUSEUM COMMISSION OR THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
14 HISTORICAL AND MUSEUM COMMISSION TO REPRESENT THE CHAIRMAN AT
15 MEETINGS OF THE PARK COMMISSION. EACH MEMBER OF THE PARK
16 COMMISSION SHALL SERVE FOR A TERM OF FIVE YEARS AND SHALL SERVE
17 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED. EACH MEMBER SHALL
18 BE ELIGIBLE FOR REAPPOINTMENT.

19 (B) ORGANIZATION OF PARK COMMISSION.--EACH YEAR THE PARK
20 COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRMAN, A
21 SECRETARY AND OTHER OFFICERS AS DEEMED NECESSARY BY THE PARK
22 COMMISSION. THE PARK COMMISSION MAY ADOPT ANY RULES OF
23 ORGANIZATION AND PROCEDURE AS IT MAY DEEM APPROPRIATE AND MAY
24 DETERMINE THE DUTIES OF ITS OFFICERS. SIX MEMBERS SHALL
25 CONSTITUTE A QUORUM. MEMBERS OF THE PARK COMMISSION SHALL NOT
26 RECEIVE COMPENSATION BUT SHALL RECEIVE REIMBURSEMENT FOR THEIR
27 ACTUAL EXPENSES INCURRED IN SERVING ON THE PARK COMMISSION.

28 (C) POWERS AND DUTIES OF PARK COMMISSION.--NOTWITHSTANDING
29 THE PROVISIONS OF SECTIONS 303(1) AND (3) (RELATING TO SITES)
30 AND 702 (RELATING TO POWERS OVER CERTAIN HISTORIC PROPERTY), THE

1 PARK COMMISSION SHALL PRESERVE THE PARK AS A PATRIOTIC AND
2 HISTORIC PLACE AND SHALL HAVE CUSTODY, CONTROL, MANAGEMENT AND
3 SUPERVISION OF THE PARK, INCLUDING THE MAINTENANCE OF THE WILD
4 FLOWER PRESERVE ON THE LAND KNOWN AS BOWMAN'S HILL. THE PARK
5 COMMISSION SHALL HAVE THE POWERS AND DUTIES TO:

6 (1) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
7 COMMISSION BY SEPTEMBER 1 OF EACH YEAR A REPORT WHICH SHALL
8 INCLUDE A SUMMARY OF THE PARK COMMISSION'S ACTIVITIES DURING
9 THE PRECEDING FISCAL YEAR.

10 (2) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
11 COMMISSION BY OCTOBER 1 OF EACH YEAR A PRELIMINARY PLAN,
12 INCLUDING A PRELIMINARY BUDGET, FOR THE PARK COMMISSION'S
13 ACTIVITIES DURING THE NEXT FISCAL YEAR.

14 (3) SUBMIT TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
15 COMMISSION BY MAY 1 OF EACH YEAR A FINAL PLAN, INCLUDING A
16 FINAL BUDGET, FOR THE PARK COMMISSION'S ACTIVITIES DURING THE
17 NEXT FISCAL YEAR.

18 (4) PROVIDE FOR LOCAL INPUT AND FOSTER LOCAL PUBLIC
19 SUPPORT FOR PROGRAMS AND ACTIVITIES AT THE PARK.

20 (5) ENCOURAGE AN APPRECIATION OF THE HISTORICAL
21 SIGNIFICANCE OF THE PARK FOR THE PEOPLE OF THIS COMMONWEALTH.

22 (6) COOPERATE WITH THE PENNSYLVANIA HISTORICAL AND
23 MUSEUM COMMISSION OR ANY OTHER FEDERAL, STATE OR LOCAL
24 AGENCY, OR ANY PRIVATE HISTORICAL ORGANIZATION OR FOUNDATION,
25 IN CONDUCTING PROGRAMS OR PROVIDING SERVICES TO FURTHER
26 IMPROVE OR DEVELOP THE PARK.

27 (7) PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE
28 IMPLEMENTATION OF ITS POWER AND DUTIES.

29 (D) AGREEMENT BETWEEN COMMISSIONS.--BY AUGUST 1 OF EACH
30 YEAR, THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION SHALL

1 ENTER INTO AN AGREEMENT WITH THE PARK COMMISSION SPECIFYING THE
2 FUNDING THAT WILL BE MADE AVAILABLE TO THE PARK COMMISSION FOR
3 THE FISCAL YEAR WHICH BEGAN ON JULY 1 OF THAT YEAR. THE
4 AGREEMENT MAY CONTAIN OTHER TERMS AND CONDITIONS NECESSARY FOR
5 COOPERATION BETWEEN THE PARK COMMISSION AND THE PENNSYLVANIA
6 HISTORICAL AND MUSEUM COMMISSION.

7 § 705. UNITED STATES BRIG NIAGARA.

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8 (A) OFFICIAL FLAGSHIP OF PENNSYLVANIA.--THE RESTORED UNITED
9 STATES BRIG NIAGARA SHALL BE THE OFFICIAL FLAGSHIP OF
10 PENNSYLVANIA. IT SHALL BE KNOWN AS THE "FLAGSHIP OF
11 PENNSYLVANIA" AND ITS HOME PORT SHALL BE ERIE, PENNSYLVANIA.

12 (B) POWERS AND DUTIES OF THE COMMISSION.--THE COMMISSION
13 SHALL HAVE THE POWER AND DUTY TO:

14 (1) COOPERATE WITH THE DEPARTMENT OF MILITARY AFFAIRS,
15 THE UNITED STATES NAVY AND OTHER APPROPRIATE ORGANIZATIONS IN
16 COMMEMORATING SIGNIFICANT EVENTS OF OUR NAVAL AND MARITIME
17 HERITAGE.

18 (2) SAIL THE UNITED STATES BRIG NIAGARA, WITHIN THE
19 MEANS AT ITS COMMAND, TO VARIOUS PORTS OF CALL AND
20 COMMEMORATIVE EVENTS AS THE OFFICIAL SAILING AMBASSADOR FOR
21 PENNSYLVANIA.

22 (3) CHARGE WHATEVER FEES ARE NECESSARY TO MAINTAIN THE
23 VESSEL AND TO ENCOURAGE PRIVATE FINANCIAL SUPPORT AS
24 APPROPRIATE IN ORDER TO SUPPORT THE UNITED STATES BRIG
25 NIAGARA AND ITS SAILING PROGRAM.

26 (C) COOPERATION BY PUBLIC OFFICIALS WITH THE COMMISSION.--
27 COMMONWEALTH AGENCIES AND POLITICAL SUBDIVISIONS SHALL COOPERATE
28 FULLY WITH THE COMMISSION IN SUPPORT OF ITS NAVAL AND MARITIME
29 HISTORY PROGRAM AND, TO THAT END, SHALL:

30 (1) INCLUDE THE COMMISSION IN ANY PLANNING EFFORTS FOR

1 THE COMMEMORATION OF SIGNIFICANT EVENTS OF OUR NAVAL AND
2 MARITIME HISTORY.

3 (2) DEVELOP PLANS WITH THE COMMISSION WHICH WILL UTILIZE
4 THE UNITED STATES BRIG NIAGARA AS THE OFFICIAL FLAGSHIP OF
5 PENNSYLVANIA.

6 CHAPTER 9

7 CONCURRENT JURISDICTION

8 SEC.

9 901. CESSION OF CONCURRENT JURISDICTION.

10 902. SITES AFFECTED.

11 903. TRANSFER OF PERSONAL PROPERTY.

12 904. ACCEPTANCE BY UNITED STATES.

13 905. ACCEPTANCE BY GOVERNOR.

14 906. POLICE SERVICE AGREEMENTS.

15 § 901. CESSION OF CONCURRENT JURISDICTION.

16 THE COMMONWEALTH OF PENNSYLVANIA HEREBY CEDES TO THE UNITED
17 STATES CONCURRENT JURISDICTION OVER LANDS, WATERS AND BUILDINGS
18 WITHIN THE BOUNDARIES OF UNITS OF THE NATIONAL PARK SYSTEM
19 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR
20 NATIONAL PARK SERVICE, INCLUDING THOSE OWNED, LEASED OR
21 ADMINISTRATIVELY CONTROLLED BY THE NATIONAL PARK SERVICE, AS
22 WELL AS ALL LANDS AND BUILDINGS HEREAFTER ACQUIRED, LEASED OR
23 ADMINISTRATIVELY CONTROLLED BY THE NATIONAL PARK SERVICE.

24 § 902. SITES AFFECTED.

25 THE EXISTING NATIONAL PARK SERVICE LANDS, WATERS AND
26 BUILDINGS AFFECTED BY THE PROVISIONS OF THIS CHAPTER ARE AS
27 FOLLOWS:

28 (1) ALLEGHENY PORTAGE NATIONAL HISTORIC SITE.

29 (2) DELAWARE WATER GAP NATIONAL RECREATION AREA.

30 (3) EDGAR ALLEN POE NATIONAL HISTORIC SITE.

- 1 (4) EISENHOWER NATIONAL HISTORIC SITE.
- 2 (5) FORT NECESSITY NATIONAL BATTLEFIELD.
- 3 (6) FRIENDSHIP HILL NATIONAL HISTORIC SITE.
- 4 (7) GETTYSBURG NATIONAL MILITARY PARK.
- 5 (8) GLORIA DEI (OLD SWEDE'S) CHURCH NATIONAL HISTORIC
- 6 SITE.
- 7 (9) HOPEWELL FURNACE NATIONAL HISTORIC SITE.
- 8 (10) INDEPENDENCE NATIONAL HISTORICAL PARK.
- 9 (11) JOHNSTOWN FLOOD NATIONAL MEMORIAL.
- 10 (12) THADDEUS KOSCIUSZKO NATIONAL MEMORIAL.
- 11 (13) VALLEY FORGE NATIONAL HISTORICAL PARK.

12 § 903. TRANSFER OF PERSONAL PROPERTY.

13 IN ANY CASE WHERE THE COMMONWEALTH HAS HERETOFORE TRANSFERRED
14 LAND TO THE UNITED STATES FOR USE AS A NATIONAL PARK, THE
15 TRANSFER SHALL ALSO INCLUDE THE TRANSFER TO THE UNITED STATES OF
16 SUCH PERSONAL PROPERTY AS MAY BE INCLUDED IN A WRITTEN AGREEMENT
17 BETWEEN THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION AND
18 THE NATIONAL PARK SERVICE.

19 § 904. ACCEPTANCE BY UNITED STATES.

20 CESSION OF JURISDICTION SHALL BECOME EFFECTIVE WHEN IT IS
21 ACCEPTED ON BEHALF OF THE UNITED STATES. ACCEPTANCE SHALL BE
22 INDICATED, IN WRITING UPON THE INSTRUMENT OF CESSION, BY AN
23 AUTHORIZED OFFICIAL OF THE UNITED STATES AND FILED WITH THE
24 SECRETARY OF THE COMMONWEALTH.

25 § 905. ACCEPTANCE BY GOVERNOR.

26 (A) RELINQUISHMENT BY UNITED STATES.--WHENEVER THE UNITED
27 STATES TENDERS TO THE COMMONWEALTH OF PENNSYLVANIA A
28 RELINQUISHMENT OF ALL OR PART OF THE LEGISLATIVE JURISDICTION
29 THERETOFORE ACQUIRED BY IT OVER LANDS WITHIN THIS COMMONWEALTH,
30 THE GOVERNOR IS AUTHORIZED TO ACCEPT, ON BEHALF OF THE

1 COMMONWEALTH, THE LEGISLATIVE JURISDICTION SO RELINQUISHED.

2 (B) PUBLICATION.--THE GOVERNOR SHALL INDICATE HIS ACCEPTANCE
3 OF RELINQUISHED LEGISLATIVE JURISDICTION BY A WRITING ADDRESSED
4 TO THE HEAD OF THE APPROPRIATE DEPARTMENT OR AGENCY OF THE
5 UNITED STATES. THIS ACCEPTANCE SHALL BE EFFECTIVE UPON THE
6 PUBLICATION OF THE WRITING IN THE PENNSYLVANIA BULLETIN.

7 § 906. POLICE SERVICE AGREEMENTS.

8 A MUNICIPALITY OR THE PENNSYLVANIA STATE POLICE MAY ENTER
9 INTO COOPERATIVE POLICE SERVICE AGREEMENTS WITH THE NATIONAL
10 PARK SERVICE FOR THE PURPOSE OF PROVIDING EMPLOYEES OF THE
11 NATIONAL PARK SERVICE WHO HOLD A VALID LAW ENFORCEMENT
12 COMMISSION, ISSUED BY THAT AGENCY, THE AUTHORITY TO ENFORCE
13 TITLE 75 (RELATING TO VEHICLES) ON ROADS, OTHER THAN FEDERAL
14 ROADS, WHICH LIE WITHIN UNITS OF THE NATIONAL PARK SYSTEM WHICH
15 ARE WITHIN THE JURISDICTION OF THE MUNICIPALITY'S POLICE
16 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE.

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

22 (b) The Pennsylvania Historical and Museum Commission shall
23 continue to exercise the powers and perform the duties conferred
24 or required by law prior to the effective date of this act with
25 respect to the historical properties listed in 37 Pa.C.S. § 702
26 (relating to powers over certain historic property).

27 (c) The members of the Pennsylvania Historical and Museum
28 Commission and the Historic Preservation Board serving as
29 members when this act becomes effective shall continue to serve
30 as members until the term for which they were respectively

1 appointed expires AND UNTIL THEIR RESPECTIVE SUCCESSORS ARE <—
2 APPOINTED AND QUALIFIED.

3 (d) The Drake Well Advisory Board, the Twenty-eighth
4 Division Memorial Shrine Advisory Board and the Joseph Priestley
5 Advisory Board are abolished.

6 ~~(e) The Washington Crossing Park Commission and the <—~~
7 ~~Brandywine Battlefield Park Commission shall each consist of ten~~
8 ~~citizens of this Commonwealth appointed by the Governor. Members~~
9 ~~shall serve for a term of four years and shall serve until a~~
10 ~~successor is appointed. The purpose of these commissions shall~~
11 ~~be the support, encouragement and advancement of Washington~~
12 ~~Crossing Park and Brandywine Battlefield Park as providing by~~
13 ~~the act of July 25, 1917 (P.L.1209, No.420), entitled "An act to~~
14 ~~authorize the acquisition, by purchase or condemnation, of lands~~
15 ~~for a park, and the erection of a monument commemorative of~~
16 ~~Washington crossing the river Delaware, and for the appointment~~
17 ~~of a commission to acquire said lands and erect such monument;~~
18 ~~and making an appropriation for the purpose of this act," and~~
19 ~~the act of July 5, 1947 (P.L.1293, No.517), entitled "An act to~~
20 ~~establish The Brandywine Battlefield Park Commission and to~~
21 ~~authorize the acquisition by purchase, condemnation or gift of~~
22 ~~lands for the establishment of The Brandywine Battlefield Park;~~
23 ~~providing for the control, management and supervision of the~~
24 ~~property to be acquired for such park by such commission;~~
25 ~~authorizing the commission to make and to enforce rules and~~
26 ~~regulations for its preservation, development and visitation;~~
27 ~~and making appropriations." To carry out this mission, these~~
28 ~~commissions shall:~~

29 ~~(1) prepare an annual plan for education, preservation~~
30 ~~and development of these sites and submit such plans to the~~

~~Pennsylvania Historical and Museum Commission.~~

~~(2) provide local input and public support for programs
and activities at the parks; and~~

~~(3) work to foster an appreciation of the historical
significance of Washington Crossing Park and Brandywine
Battlefield Park for the people of this Commonwealth.~~

(E) THE MEMBERS OF THE BRANDYWINE BATTLEFIELD PARK

<—

COMMISSION AND THE WASHINGTON CROSSING PARK COMMISSION SERVING
AS MEMBERS ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO
SERVE AS MEMBERS UNTIL THEIR SUCCESSORS ARE APPOINTED AND
QUALIFIED.

Section 3. This act, with respect to the Pennsylvania
Historical and Museum Commission, shall constitute the
legislation required to reestablish an agency pursuant to the
act of December 22, 1981 (P.L.508, No.142), known as the Sunset
Act.

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

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

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

ACT OF JULY 25, 1917 (P.L.1209, NO.420), ENTITLED "AN ACT TO
AUTHORIZE THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF LANDS
FOR A PARK, AND THE ERECTION OF A MONUMENT COMMEMORATIVE OF
WASHINGTON CROSSING THE RIVER DELAWARE, AND FOR THE APPOINTMENT

<—

1 OF A COMMISSION TO ACQUIRE SAID LANDS AND ERECT SUCH MONUMENT;
2 AND MAKING AN APPROPRIATION FOR THE PURPOSE OF THIS ACT."

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

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

12 Act of May 4, 1927 (P.L.32, No.44-A), entitled, as amended,
13 "An act authorizing the Department of Forests and Waters to
14 acquire, repair, and restore the birthplace of John Morton, in
15 the borough of Prospect Park; providing for the control,
16 management, supervision, and maintenance thereof by the
17 Pennsylvania Historical Commission; authorizing the commission
18 to make and enforce rules and regulations for the preservation
19 and visitation thereof; and making an appropriation."

20 Act of May 4, 1927 (P.L.759, No.398), entitled "An act
21 providing for the acquisition and maintenance by the Department
22 of Forests and Waters, with the advice of the Bushy Run
23 Battlefield Commission, of the Bushy Run Battlefield and
24 adjacent lands as a public historical park, and for the erection
25 of a monument or memorial therein; authorizing the department to
26 accept gifts for exhibition in, and funds or securities to be
27 invested for the benefit of, said park; imposing duties upon the
28 Governor, the Auditor General and the State Treasurer in
29 connection with such funds or securities; and making an
30 appropriation."

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

5 Act of April 24, 1929 (P.L.650, No.275), entitled "An act
6 providing for the submission to and approval by the Pennsylvania
7 Historical Commission of the inscription on historical monuments
8 and markers, and the location of certain of such monuments and
9 markers, and the inscription of certain highway signs and
10 markers."

11 Act of April 26, 1929 (P.L.781, No.332), entitled "An act
12 authorizing the Pennsylvania Historical Commission on behalf of
13 the Commonwealth of Pennsylvania to acquire land in Falls
14 Township, Bucks County, known as 'Pennsbury,' to be known
15 thereafter as 'Pennsbury Memorial'; providing for the control,
16 management, supervision, restoration, improvement, and
17 maintenance thereof; authorizing the commission to make and
18 enforce rules and regulations for the preservation and
19 visitation thereof."

20 Act of May 8, 1929 (P.L.1667, No.528), entitled, as amended,
21 "An act authorizing the Pennsylvania Historical and Museum
22 Commission, on behalf of the Commonwealth of Pennsylvania, to
23 acquire all real and personal property included in the Conrad
24 Weiser Memorial Park, in Heidelberg Township, Berks County, from
25 the Conrad Weiser Memorial Park Association; providing for the
26 control, management, supervision, restoration and improvement
27 thereof; authorizing the commission to make and enforce rules
28 and regulations for the preservation and visitation thereof; and
29 making an appropriation therefor."

30 Act of April 10, 1931 (P.L.23, No.22), entitled, as amended,

1 "An act providing for the acceptance by the Commonwealth of a
2 gift of lands from the American Petroleum Institute, located on
3 the left bank of Oil Creek, in Oil Creek Township or Cherry Tree
4 Township, or both, Venango County, to establish and maintain a
5 public museum and park, as the Drake Well Memorial, under the
6 control and supervision of the Pennsylvania Historical
7 Commission, in cooperation with the Department of Forests and
8 Waters, and an advisory board to be appointed by the American
9 Petroleum Institute; prescribing the powers and duties of the
10 commission relative to said memorial; authorizing the employment
11 of certain assistants and employes, and for the payment of their
12 salaries; empowering the Department of Property and Supplies to
13 acquire additional lands for such Memorial Park without cost to
14 the Commonwealth; and making an appropriation."

15 Act of May 21, 1931 (P.L.185, No.113), entitled "An act
16 authorizing the Pennsylvania Historical Commission, on behalf of
17 the Commonwealth of Pennsylvania, to acquire all real property
18 comprising the Cornwall Charcoal Furnace, at Cornwall, in
19 Lebanon County, from the owner thereof, and a trust fund for the
20 maintenance of the same; providing for the control, management,
21 supervision, restoration and improvement thereof; authorizing
22 the commission to make and enforce rules and regulations for the
23 preservation and visitation thereof."

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

28 Act of June 25, 1931 (P.L.1375, No.344), entitled "An act
29 authorizing the Pennsylvania Historical Commission, on behalf of
30 the Commonwealth of Pennsylvania, to acquire property, whereon

1 was the John Brown farm and tannery in Richmond Township,
2 Crawford County, from the John Brown Memorial Association;
3 providing for the control, management, supervision, restoration
4 and improvement thereof; authorizing the commission to make and
5 enforce rules and regulations for the preservation and
6 visitation thereof."

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

13 Act of June 26, 1931 (P.L.1387, No.351), entitled "An act
14 authorizing the Department of Property and Supplies to acquire
15 the site of Fort Augusta, at Sunbury, to be turned over to the
16 Pennsylvania Historical Commission for management; and making an
17 appropriation."

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

24 Act of July 22, 1936 (1st Sp.Sess., P.L.70, No.26), entitled
25 "An act to provide for the participation of the Commonwealth of
26 Pennsylvania in a National Celebration of the One Hundred
27 Fiftieth Anniversary of the Framing, the Signing, the
28 Ratification by Pennsylvania and the Final Adoption and
29 Promulgation, of the Constitution of the United States, to be
30 held at Philadelphia, and elsewhere, on the fifteenth,

1 sixteenth, and seventeenth days of September, one thousand nine
2 hundred thirty-seven, and subsequent anniversary dates in
3 connection therewith; and making an appropriation."

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

9 Act of May 28, 1937 (P.L.1000, No.271), entitled "An act
10 authorizing the Pennsylvania Historical Commission, on behalf of
11 the Commonwealth of Pennsylvania, to acquire, by gift,
12 approximately 7.224 acres of land in Tinicum Township, Delaware
13 County, sometimes known as 'Printz Park,' or as 'Printz-Lindberg
14 Park,' to be known hereafter as 'Governor Printz Park';
15 providing for the control, management, supervision, restoration,
16 improvement and maintenance thereof; authorizing the commission
17 to make and enforce rules and regulations for the preservation,
18 maintenance, and visitation thereof."

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

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

30 Act of July 2, 1937 (P.L.2697, No.542), entitled "An act

1 supplementing the act, approved the twenty-eighth day of July,
2 one thousand nine hundred and thirty-six (Pamphlet Laws,
3 seventy-nine); and authorizing the Governor, directly or through
4 such agency as he may designate, to provide, plan, prepare,
5 supervise, and carry out a suitable program, within and without
6 Pennsylvania, for the commemoration by the Commonwealth of
7 Pennsylvania of the three hundredth anniversary of the earliest
8 settlement, the first courts of law, and the first capital
9 within what is now Pennsylvania; and making an appropriation
10 therefor out of the General Fund."

11 Act of July 2, 1937 (P.L.2700, No.543), entitled "An act
12 supplementing the act of July twenty-second, one thousand nine
13 hundred and thirty-six (Pamphlet Laws, seventy); and authorizing
14 the Governor, directly or through such agency as he may
15 designate, to provide, plan, prepare, supervise, and carry out,
16 a suitable program, throughout the Commonwealth of Pennsylvania
17 and elsewhere, for the Celebration of the 150th Anniversary of
18 the Framing, the Signing, the Ratification by Pennsylvania, and
19 the Final Adoption and Establishment of the Constitution of the
20 United States, during the years 1937-38-39; and making an
21 appropriation."

22 Act of June 26, 1939 (P.L.1108, No.390), entitled "A
23 supplement to the act, approved the twenty-sixth day of June,
24 one thousand nine hundred thirty-one (Pamphlet Laws, one
25 thousand three hundred eighty-six), entitled 'An act providing
26 for the care, protection, and maintenance of the brig Niagara,
27 Commodore Perry's Flagship at the Battle of Lake Erie, and now
28 the property of the State of Pennsylvania; creating a commission
29 to be The Flagship Niagara Commission, and making an
30 appropriation for such care, protection and maintenance,'

1 transferring the custody and control, restoration and
2 rehabilitation, care, protection, and maintenance of the
3 Flagship Niagara from The Flagship Niagara Commission to the
4 Pennsylvania Historical Commission; providing for the
5 continuance of the present The Flagship Niagara Commission as an
6 advisory committee and for its discharge from certain duties and
7 powers; and making an appropriation to complete the restoration
8 and rehabilitation of the Flagship Niagara and the maintenance
9 of the same."

10 Act of June 26, 1939 (P.L.1110, No.391), 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, forty acres of land adjacent to
14 'Pennsbury Memorial,' or so much thereof as may be necessary to
15 properly honor the founder of the Commonwealth of Pennsylvania
16 on the spot where he made definite plans to spend his life;
17 providing for the control, management, supervision, improvement,
18 preservation and maintenance thereof; authorizing the
19 Pennsylvania Historical Commission to make and enforce rules and
20 regulations for the preservation and visitation thereof; and
21 making an appropriation."

22 Act of June 27, 1939 (P.L.1117, No.395), entitled "An act
23 authorizing the Department of Property and Supplies to acquire
24 by purchase, or gift, or lease on behalf of the Commonwealth of
25 Pennsylvania, the real estate and personal property of the
26 Seventh Day Baptists of Ephrata, in whole or in part, to provide
27 for the control, management and supervision of the property,
28 when acquired, by the Pennsylvania Historical Commission;
29 authorizing the commission to make and enforce rules and
30 regulations for its preservation and visitation and to charge a

1 fee for admission thereto and exhibition thereof."

2 Act of August 5, 1941 (P.L.830, No.309), entitled "An act
3 authorizing the Department of Property and Supplies acting for
4 the Commonwealth of Pennsylvania to acquire by gift from the
5 owner thereof Pottsgrove Mansion with tract of land situate in
6 the ninth ward of the Borough of Pottstown, Montgomery County,
7 Pennsylvania; providing for the control, management,
8 supervision, improvement and maintenance thereof by the
9 Pennsylvania Historical Commission; authorizing the Pennsylvania
10 Historical Commission to make and enforce rules and regulations
11 for the preservation, maintenance and visitation thereof, and
12 creating an advisory board to assist in such functions."

13 Act of August 6, 1941 (P.L.849, No.317), entitled "An act
14 authorizing the Department of Property and Supplies to acquire
15 on behalf of the Commonwealth of Pennsylvania certain land upon
16 which is still standing the birthplace of Robert Fulton in
17 Fulton Township, Lancaster County, or so much thereof as may be
18 necessary, as a memorial; providing for the control, management,
19 supervision, improvement, restoration and maintenance thereof;
20 authorizing the Pennsylvania Historical Commission to make and
21 enforce rules and regulations for the preservation and
22 visitation thereof, and making an appropriation."

23 Act of August 6, 1941 (P.L.850, No.318), entitled "An act
24 authorizing the Department of Property and Supplies to acquire
25 by purchase, gift, lease or condemnation, on behalf of the
26 Commonwealth of Pennsylvania, ten acres of land adjacent to the
27 Daniel Boone Homestead, or so much thereof as may be necessary,
28 to properly honor the pioneer Daniel Boone on the spot where he
29 was born; providing for the control, management, supervision,
30 improvement, preservation and maintenance thereof; authorizing

1 the Pennsylvania Historical Commission to make and enforce rules
2 and regulations for the preservation and visitation thereof, and
3 making an appropriation."

4 Act of May 26, 1943 (P.L.608, No.265), entitled "An act
5 authorizing the Pennsylvania Historical Commission, on behalf of
6 the Commonwealth of Pennsylvania, to acquire, by gift, the
7 Harmony Society Graveyard in the Borough of Ambridge,
8 Pennsylvania; providing for the control, management and
9 maintenance thereof; authorizing the Commission to make and
10 enforce rules and regulations for the preservation, maintenance,
11 and visitation thereof."

12 Act of June 1, 1943 (P.L.804, No.336), entitled "An act
13 authorizing the Pennsylvania Historical Commission to acquire by
14 gift, from the Erie County Historical Society, a plot of ground
15 in the City of Erie, Pennsylvania, to be used as a permanent
16 resting place for the Flagship Niagara, and making an
17 appropriation to said commission for the improvement,
18 development and preparation of such plot of ground and the
19 removal of the said flagship thereto."

20 Act of June 4, 1943 (P.L.873, No.365), entitled "An act
21 authorizing the Department of Property and Supplies, with the
22 advice and approval of the Pennsylvania Historical Commission,
23 to acquire on behalf of the Commonwealth of Pennsylvania,
24 certain land upon which is located the site of Fort LeBoeuf in
25 Waterford Borough, Erie County, or so much thereof as may be
26 necessary, as a historical memorial; providing for the control,
27 management, supervision, improvement, restoration and
28 maintenance thereof; authorizing the Pennsylvania Historical
29 Commission, in cooperation with other agencies, to make and
30 enforce rules and regulations for the preservation and

1 visitation thereof; authorizing the Pennsylvania Historical
2 Commission to cooperate with the Daughters of the American
3 Colonists and interested patriotic societies in providing funds
4 for a restoration of Fort LeBoeuf; and making an appropriation."

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

11 Act of May 31, 1945 (P.L.1194, No.415), entitled "An act
12 authorizing the Pennsylvania Historical Commission to acquire by
13 gift from the Historical Society of Cambria County, the Admiral
14 Peary Memorial Park in Cresson Township, Cambria County,
15 restricting the use thereof; and making an appropriation to said
16 commission for the improvement of said park."

17 ACT OF JULY 5, 1947 (P.L.1293, NO.517), ENTITLED "AN ACT TO <—
18 ESTABLISH THE BRANDYWINE BATTLEFIELD PARK COMMISSION AND TO
19 AUTHORIZE THE ACQUISITION BY PURCHASE, CONDEMNATION OR GIFT OF
20 LANDS FOR THE ESTABLISHMENT OF THE BRANDYWINE BATTLEFIELD PARK;
21 PROVIDING FOR THE CONTROL, MANAGEMENT AND SUPERVISION OF THE
22 PROPERTY TO BE ACQUIRED FOR SUCH PARK BY SUCH COMMISSION;
23 AUTHORIZING THE COMMISSION TO MAKE AND TO ENFORCE RULES AND
24 REGULATIONS FOR ITS PRESERVATION, DEVELOPMENT AND VISITATION;
25 AND MAKING APPROPRIATIONS."

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

30 Act of May 26, 1949 (P.L.1876, No.554), entitled "An act

1 authorizing the Pennsylvania Historical and Museum Commission to
2 accept, on behalf of the Commonwealth, certain real estate and
3 buildings and an endowment fund for the Warrior Run Church and
4 Cemetery, located in Northumberland County, Pennsylvania; and
5 making an appropriation."

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

13 Act of January 5, 1952 (1951 P.L.1824, No.485), entitled "An
14 act authorizing the Department of Property and Supplies, with
15 the approval of the Pennsylvania Historical and Museum
16 Commission, to acquire on behalf of the Commonwealth, certain
17 land, buildings and appurtenances, located in the Township of
18 Manheim, Lancaster County, and certain personal property
19 therein; and making an appropriation."

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

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

28 Act of May 11, 1956 (1955 P.L.1571, No.523), entitled "An act
29 authorizing the Pennsylvania Historical and Museum Commission to
30 acquire, by gift, the Old Brown's Mill building and project in

1 Antrim Township, Franklin County; and providing for its
2 maintenance and control."

3 Act of May 31, 1956 (1955 P.L.1914, No.636), entitled "An act
4 authorizing the Department of Property and Supplies, with the
5 approval of the Pennsylvania Historical and Museum Commission,
6 to acquire by purchase certain lands adjacent to the
7 Pennsylvania Farm Museum of Landis Valley property; providing
8 for the control, maintenance and improvement thereof; and making
9 an appropriation."

10 Act of June 1, 1956 (1955 P.L.2020, No.676), entitled "An act
11 authorizing the Department of Property and Supplies, with the
12 approval of the Pennsylvania Historical and Museum Commission,
13 to acquire lands comprising the Captain William Phillips'
14 Rangers Memorial, in Liberty Township, Bedford County; providing
15 for the control, management, supervision, improvement,
16 restoration and maintenance thereof by the Pennsylvania
17 Historical and Museum Commission; and making appropriations."

18 Act of June 28, 1957 (P.L.422, No.232), entitled "An act
19 authorizing the Pennsylvania Historical and Museum Commission to
20 acquire by gift on behalf of the Commonwealth the real property,
21 known as Hope Lodge in Montgomery County; providing for its
22 control, management, supervision, restoration, improvement and
23 maintenance, and appropriating for this purpose all funds
24 received in behalf of or as the result of operation of Hope
25 Lodge."

26 Act of June 28, 1957 (P.L.425, No.233), entitled "An act
27 authorizing the Department of Property and Supplies, with the
28 approval of the Pennsylvania Historical and Museum Commission,
29 to acquire on behalf of the Commonwealth, certain land,
30 buildings and personal property located in the Township of

1 Whitemarsh, Montgomery County."

2 Act of July 8, 1957 (P.L.556, No.308), entitled "A supplement
3 to the act of June 12, 1931 (P.L.588, No.201), entitled 'An act
4 authorizing the Department of Property and Supplies to acquire
5 lands in Harris Township, Centre County, for the use of the
6 Department of Military Affairs; and making an appropriation,'
7 transferring the control, supervision and management of the
8 lands of the Pennsylvania Historical and Museum Commission;
9 requiring the commission to complete and thereafter maintain the
10 'Twenty-eighth Division Shrine' thereon, dedicating the same to
11 the officers and men of the Twenty-eighth Division; creating the
12 Twenty-eighth Division Memorial Shrine Advisory Board, and
13 prescribing its powers and duties; and making an appropriation."

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

21 Act of July 18, 1957 (P.L.1005, No.445), entitled "An act
22 authorizing the Pennsylvania Historical and Museum Commission to
23 acquire land on which is located the Old Bradford House in the
24 City of Washington, Washington County; providing for its repair;
25 authorizing an agreement for the administration thereof by the
26 Washington County Historical Society, and making an
27 appropriation."

28 Act of July 18, 1957 (P.L.1011, No.447), entitled "An act
29 directing the Department of Highways to transfer the Searights
30 Toll House to the Pennsylvania Historical and Museum Commission;

1 providing for the repair of the Toll House; authorizing the
2 Pennsylvania Historical and Museum Commission to enter into an
3 agreement for the administration thereof by the Westmoreland-
4 Fayette Historical Society; and making an appropriation."

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

12 Act of November 16, 1959 (P.L.1509, No.528), entitled "An act
13 authorizing the Pennsylvania Department of Property and
14 Supplies, acting for the Commonwealth of Pennsylvania, to
15 acquire by gift from the Borough of Northumberland that certain
16 tract of land in Northumberland Borough, County of
17 Northumberland, upon which is located the home of Joseph
18 Priestley and which is now the property of the Borough of
19 Northumberland; providing for the control, management,
20 supervision, improvement and maintenance thereof by the
21 Pennsylvania Historical and Museum Commission; authorizing the
22 Pennsylvania Historical and Museum Commission to make and
23 enforce rules and regulations for the preservation, maintenance
24 and visitation thereof; authorizing the Pennsylvania Historical
25 and Museum Commission to accept in trust from the American
26 Chemical Society and other interested societies or individuals
27 such moneys as they may see fit to present to the Commonwealth
28 to assist in the maintenance and development of this property as
29 a permanent memorial; authorizing the Pennsylvania Historical
30 and Museum Commission to accept as gifts or loans such books,

1 manuscripts, pamphlets, relics and furniture as interested
2 societies or individuals may provide for enhancing the interests
3 of this property as a museum of science; creating an advisory
4 board to assist in such functions and making an appropriation."

5 Act of December 16, 1959 (P.L.1856, No.681), entitled "An act
6 authorizing the Pennsylvania Historical and Museum Commission to
7 acquire the Pechin House; providing for the repair of the Pechin
8 House; authorizing the Pennsylvania Historical and Museum
9 Commission to enter into an agreement for the administration
10 thereof by the King of Prussia Historical Society; and making an
11 appropriation."

12 Act of December 16, 1959 (P.L.1875, No.685), entitled "An act
13 authorizing the conveyance of Fort Necessity Park in Wharton
14 Township, Fayette County, to the government of the United States
15 of America for use as a National Park and with certain
16 reservations ceding jurisdiction over such lands."

17 Act of December 21, 1959 (P.L.1960, No.714), entitled "An act
18 authorizing the Department of Property and Supplies to acquire,
19 by gift, on behalf of the Pennsylvania Historical and Museum
20 Commission, the historic property known as the Tuscarora
21 Academy, and authorizing the Pennsylvania Historical and Museum
22 Commission to restore the same, and to enter into an agreement
23 with the Tuscarora Academy Preservation Commission, Inc., for
24 the management and maintenance of the same, and making an
25 appropriation."

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

29 Act of September 18, 1961 (P.L.1469, No.620), entitled "An
30 act authorizing the Pennsylvania Historical and Museum

1 Commission to acquire by gift on behalf of the Commonwealth
2 certain land located in the Borough of Cornwall, Lebanon
3 County."

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

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

12 Act of November 10, 1965 (P.L.717, No.344), entitled "An act
13 authorizing the Pennsylvania Historical and Museum Commission to
14 acquire by gift on behalf of the Commonwealth certain land
15 located in Upper Augusta Township, Northumberland County."

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

20 Act of January 24, 1966 (1965 P.L.1508, No.530), entitled "An
21 act directing the Pennsylvania Historical and Museum Commission
22 to assist in the construction of a replica of Fort Franklin,
23 Franklin, Pennsylvania; and making an appropriation to the
24 Pennsylvania Historical and Museum Commission for such
25 assistance in cooperation with the Venango County Museum
26 Corporation."

27 Act of July 25, 1967 (P.L.182, No.53), entitled "An act
28 authorizing the Pennsylvania Historical and Museum Commission to
29 acquire by gift, on behalf of the Commonwealth, a tract of land
30 with a structure thereon known as Peace Church in Hampden

1 Township, Cumberland County."

2 Act of November 16, 1967 (P.L.494, No.241), entitled "An act
3 authorizing the Pennsylvania Historical and Museum Commission to
4 acquire by gift on behalf of the Commonwealth the real property
5 known as Chillisquaque School House in West Chillisquaque
6 Township, Northumberland County; and providing for its control,
7 management, supervision, restoration, improvement and
8 maintenance."

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

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

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

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

30 Act of August 12, 1971 (P.L.309, No.76), entitled "An act

1 authorizing the Pennsylvania Historical and Museum Commission to
2 acquire by gift on behalf of the Commonwealth certain land
3 located in the City of Chester, Delaware County."

4 Act of November 8, 1971 (P.L.531, No.135), entitled "An act
5 authorizing the Pennsylvania Historical and Museum Commission on
6 behalf of the Commonwealth to acquire the historic John Brown
7 House in the Borough of Chambersburg, Franklin County."

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

12 Act of July 30, 1975 (P.L.102, No.53), entitled "An act
13 authorizing the Department of Property and Supplies, with the
14 approval of the Governor and the Historical and Museum
15 Commission, to transfer Valley Forge State Park to the United
16 States of America."

17 Act of June 23, 1978 (P.L.499, No.78), entitled "An act
18 authorizing the Pennsylvania Historical and Museum Commission,
19 with the approval of the Governor, to transfer certain Project
20 70 lands in Lancaster County in exchange for a parcel of land
21 belonging to the Fulton Township Supervisors."

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

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

28 Act of December 13, 1979 (P.L.517, No.113), entitled "An act
29 authorizing and directing the Department of Justice, with the
30 approval of the Governor, to accept as partial payment, upon

1 maturity, of a certain Series D Serial Note of The Penn Central
2 Corporation, certain historic railroad engines, railroad cars
3 and associated railroad equipment of historical interest and
4 value, having an appraised value of \$1,200,000 presently located
5 at the Railroad Museum of Pennsylvania in Strasburg,
6 Pennsylvania, and providing for the custody of such engines,
7 cars and equipment."

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

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

16 SECTIONS 1, 2, 3, 4 AND 6 OF THE ACT OF , 1988 <—
17 (P.L. , NO.), KNOWN AS THE FLAGSHIP OF PENNSYLVANIA ACT.

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

20 ~~Section 6. This act shall take effect January 1, 1988, or~~ <—
21 ~~immediately, whichever is later.~~

22 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

23 (1) SECTION 304(5) OF TITLE 37 SHALL TAKE EFFECT IN
24 THREE YEARS.

25 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
26 IMMEDIATELY.