

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 52

Session of  
1993

INTRODUCED BY LLOYD, DeWEESE, STEELMAN, LINTON, BAKER, PETRARCA,  
MIHALICH, COY, PRESTON, FEE, PESCI, FAIRCHILD, HANNA,  
DEMPSEY, VAN HORNE, COWELL, KUKOVICH, STABACK, LAUGHLIN,  
TOMLINSON, CAPPABIANCA, BATTISTO, KING, STURLA, STAIRS,  
PISTELLA, FARGO, TANGRETTI, GEIST, KASUNIC, McCALL AND  
MAITLAND, JANUARY 27, 1993

SENATOR FUMO, APPROPRIATIONS, IN SENATE, AS AMENDED,  
JUNE 21, 1993

AN ACT

1 ~~Requiring a transfer from the Realty Transfer Tax Account in the~~ <—  
2 ~~General Fund to the Deferred Maintenance Account.~~  
3 PROVIDING FOR THE ESTABLISHMENT, OPERATION AND ADMINISTRATION OF <—  
4 THE KEYSTONE RECREATION, PARK AND CONSERVATION FUND;  
5 DESIGNATING A PORTION OF THE STATE REALTY TAX TRANSFER  
6 REVENUES AS A FUNDING SOURCE FOR THE FUND; AUTHORIZING THE  
7 INCURRING OF INDEBTEDNESS, WITH THE APPROVAL OF THE  
8 ELECTORATE, TO PROVIDE FUNDING FOR THE ACQUISITION OF,  
9 IMPROVEMENTS TO AND THE REHABILITATION OF PARKS, RECREATIONAL  
10 FACILITIES, EDUCATIONAL FACILITIES, HISTORIC SITES, ZOOS AND  
11 PUBLIC LIBRARIES; IMPOSING ADDITIONAL POWERS AND DUTIES ON  
12 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, THE DEPARTMENT OF  
13 COMMUNITY AFFAIRS, THE DEPARTMENT OF EDUCATION, THE  
14 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, THE  
15 PENNSYLVANIA GAME COMMISSION AND THE PENNSYLVANIA FISH AND  
16 BOAT COMMISSION; REQUIRING A TRANSFER FROM THE REALTY  
17 TRANSFER TAX ACCOUNT IN THE GENERAL FUND TO THE DEFERRED  
18 MAINTENANCE ACCOUNT; AND MAKING AN APPROPRIATION.

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12 SECTION 15. EFFECTIVE DATE.

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

15 ~~Section 1. Transfer of funds.~~

<—

16 ~~Effective for fiscal years beginning with 1994-1995, 10% of~~  
17 ~~the cash from the Realty Transfer Tax Account in the General~~  
18 ~~Fund shall be transferred to a restricted receipt account in the~~  
19 ~~State Treasury, known as the Deferred Maintenance Account, to be~~  
20 ~~used for deferred maintenance projects at State parks,~~  
21 ~~historical sites and museums owned by the Pennsylvania~~  
22 ~~Historical and Museum Commission and educational facilities~~  
23 ~~owned by the State System of Higher Education. The transfer from~~  
24 ~~the Realty Transfer Tax Account in the General Fund to the~~  
25 ~~Deferred Maintenance Account required by this section shall be~~  
26 ~~made on the last day of each month for the current month~~  
27 ~~beginning with the transfer on July 31, 1994.~~

28 ~~Section 2. Report.~~

29 ~~Within 30 days of the date this act becomes applicable, and~~  
30 ~~annually by January 31, the Department of Environmental~~

1 ~~Resources, the Pennsylvania Historical and Museum Commission and~~  
2 ~~the State System of Higher Education shall submit to the~~  
3 ~~Governor and the majority chairman and the minority chairman of~~  
4 ~~the Appropriations Committee of the Senate and the majority~~  
5 ~~chairman and the minority chairman of the Appropriations~~  
6 ~~Committee of the House of Representatives a report of~~  
7 ~~maintenance projects at State parks, historical sites and~~  
8 ~~museums and educational facilities, respectively, which have~~  
9 ~~been deferred together with a proposed schedule for performing~~  
10 ~~deferred maintenance projects and an estimate of the cost of~~  
11 ~~each deferred maintenance project.~~

12 ~~Section 3. Appropriation.~~

13 ~~Effective for fiscal years beginning with 1994-1995, the~~  
14 ~~General Assembly shall appropriate money from the Deferred~~  
15 ~~Maintenance Account for deferred maintenance projects at State~~  
16 ~~parks, historical sites and museums owned by the Pennsylvania~~  
17 ~~Historical and Museum Commission and educational facilities~~  
18 ~~owned by the State System of Higher Education. For fiscal years~~  
19 ~~beginning with 1994-1995 and ending with 1998-1999, at least 55%~~  
20 ~~of the amount appropriated from the Deferred Maintenance Account~~  
21 ~~shall be appropriated for deferred maintenance projects at State~~  
22 ~~parks, at least 15% shall be appropriated for deferred~~  
23 ~~maintenance projects at historical sites and museums owned by~~  
24 ~~the Pennsylvania Historical and Museum Commission, and at least~~  
25 ~~25% shall be appropriated for deferred maintenance projects at~~  
26 ~~educational facilities owned by the State System of Higher~~  
27 ~~Education.~~

28 ~~Section 4. Applicability.~~

29 ~~This act shall apply to fiscal years beginning on or after~~  
30 ~~July 1, 1994.~~

1 ~~Section 5. Effective date.~~

2 ~~This act shall take effect immediately.~~

3 SECTION 1. SHORT TITLE.

<—

4 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE KEYSTONE  
5 RECREATION, PARK AND CONSERVATION FUND ACT.

6 SECTION 2. DECLARATION OF POLICY.

7 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

8 (1) FUNDAMENTAL TO THE HEALTH AND WELFARE OF THE PEOPLE  
9 OF PENNSYLVANIA ARE THE LAND AND WATER RESOURCES OF THIS  
10 COMMONWEALTH, AS DESCRIBED IN SECTION 27 OF ARTICLE I OF THE  
11 CONSTITUTION OF PENNSYLVANIA.

12 (2) COMMONWEALTH PARKS, GAME LANDS, FISHING AREAS,  
13 HISTORICAL SITES, EDUCATIONAL FACILITIES, COMMUNITY PARKS,  
14 RECREATION AREAS, NATURAL AREAS, ZOOS AND LIBRARIES ARE  
15 SIGNIFICANT ASSETS AND ARE IMPORTANT CONTRIBUTORS TO TOURISM,  
16 ECONOMIC DEVELOPMENT AND RECREATION.

17 (3) THE COMMONWEALTH'S PARK AND FOREST SYSTEMS, ITS  
18 HISTORIC SITES, MANY LOCAL PARK AREAS, ZOOS AND RECREATIONAL  
19 FACILITIES PARTICULARLY IN OUR URBAN CENTERS AND PUBLIC  
20 LIBRARIES ARE AT THE HEART OF NUMEROUS STUDIES WHICH  
21 DEMONSTRATE A WELL-DOCUMENTED NEED FOR THE IMMEDIATE  
22 PROVISION OF FUNDING FOR REHABILITATION OF THESE PARK AND  
23 RECREATION FACILITIES OF CRITICAL IMPORTANCE TO VISITOR  
24 SAFETY AND ENVIRONMENTAL PROTECTION AND FOR THE ACQUISITION  
25 OF RECREATION AND OPEN SPACE LANDS WHICH FACE IMMINENT LOSS  
26 OR DAMAGE.

27 (4) IN ORDER TO FACILITATE THE IMPROVEMENT OF THE  
28 COMMONWEALTH'S PARK AND FOREST SYSTEMS, OUR LOCAL PARK AND  
29 RECREATION FACILITIES, OUR NATURAL AREAS, OUR ZOOS, OUR  
30 HISTORIC SITES, EDUCATIONAL FACILITIES AND OUR PUBLIC

LIBRARIES, IT IS NECESSARY TO MAKE SUBSTANTIAL EXPENDITURES  
FOR CAPITAL IMPROVEMENTS.

(5) GROWTH IN FINANCIAL SUPPORT FOR RECREATION IN THIS  
COMMONWEALTH HAS NOT KEPT UP WITH THE GROWING NEEDS OF  
RECREATION CONSUMERS.

(6) A PREDICTABLE AND STABLE SOURCE OF FUNDING HAS BEEN  
WELL DOCUMENTED AS THE MOST APPROPRIATE WAY TO ACHIEVE A  
SOLUTION TO THE FUNDING PROBLEMS FACING PARKS, NATURAL AREAS,  
RECREATION, HISTORIC PRESERVATION FACILITIES, EDUCATIONAL  
FACILITIES, ZOOS AND PUBLIC LIBRARIES IN THIS COMMONWEALTH.

(7) THE CONTINUED NEED FOR RECREATION AND COMMUNITY  
SERVICES REQUIRES THE DEVELOPMENT OF NEW, AND REHABILITATION  
OF EXISTING, INDOOR AND OUTDOOR RECREATION, PARK, HISTORIC,  
ZOO AND LIBRARY FACILITIES.

(8) THE COMMONWEALTH MUST ACT TO DEVELOP AND  
REHABILITATE, AND TO ASSIST MUNICIPALITIES TO DEVELOP AND TO  
REHABILITATE, NEWLY AND PREVIOUSLY ACQUIRED LANDS AND  
FACILITIES FOR RECREATION, HISTORICAL USES, CONSERVATION AND  
ENVIRONMENTAL EDUCATION SO THAT THE PUBLIC MAY HAVE ACCESS  
AND ENJOYMENT OF THESE AREAS AND FACILITIES.

(9) THE COMMONWEALTH MUST ACT TO ACQUIRE AND TO ASSIST  
MUNICIPALITIES TO ACQUIRE LANDS FOR RECREATION, HISTORICAL  
USES, CONSERVATION AND ENVIRONMENTAL EDUCATION SO THAT THE  
PUBLIC MAY HAVE ACCESS AND ENJOYMENT OF THESE AREAS AND  
FACILITIES.

### SECTION 3. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"ACQUISITION." THE PURCHASE, OR LEASE WITH AN OPTION TO

1 PURCHASE, OF LAND OR BUILDINGS FOR PUBLIC PARK, CONSERVATION,  
2 HISTORICAL, RECREATION, ZOO OR LIBRARY USES.

3 "ADMINISTRATIVE EXPENSES." ANY EXPENDITURES OF FUNDS  
4 INCLUDING, BUT NOT LIMITED TO, EXPENDITURES OF COMMONWEALTH  
5 AGENCIES FOR PERSONNEL AND OTHER OPERATING COSTS NECESSARY TO  
6 ACCOMPLISH THE PURPOSES OF THIS ACT.

7 "AGENCY." THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, THE  
8 DEPARTMENT OF COMMUNITY AFFAIRS, THE DEPARTMENT OF EDUCATION,  
9 THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, THE  
10 PENNSYLVANIA FISH AND BOAT COMMISSION AND THE PENNSYLVANIA GAME  
11 COMMISSION OF THE COMMONWEALTH.

12 "DEVELOPMENT." ANY NEW CONSTRUCTION, IMPROVEMENT, ALTERATION  
13 OR RENOVATION REQUIRED FOR AND COMPATIBLE WITH THE PHYSICAL  
14 DEVELOPMENT, IMPROVEMENT OF LAND OR BUILDINGS FOR PUBLIC PARK,  
15 CONSERVATION, HISTORICAL, RECREATION OR LIBRARY PURPOSES.

16 "EDUCATIONAL FACILITY." A FACILITY OWNED BY THE STATE SYSTEM  
17 OF HIGHER EDUCATION.

18 "FUND." THE KEYSTONE RECREATION, PARK AND CONSERVATION FUND  
19 ESTABLISHED IN THIS ACT.

20 "HISTORIC PRESERVATION ORGANIZATION." A NONPROFIT  
21 ORGANIZATION DEDICATED TO THE RESEARCH, RESTORATION,  
22 REHABILITATION AND OTHER ACTIVITIES FURTHERING THE PROTECTION,  
23 ENHANCEMENT, PRESERVATION OR ENJOYMENT OF HISTORIC RESOURCES  
24 WHICH IS TAX EXEMPT UNDER SECTION 501(C)(3) OF THE INTERNAL  
25 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.),  
26 REGISTERED WITH THE BUREAU OF CHARITABLE ORGANIZATIONS AND HAS  
27 BEEN IN EXISTENCE FOR AT LEAST FIVE CONSECUTIVE YEARS.

28 "HISTORIC SITE." ANY PUBLIC LAND OR BUILDING, STRUCTURE,  
29 OBJECT, DISTRICT, AREAS OR SITE SIGNIFICANT IN THE HISTORY,  
30 ARCHITECTURE, MARITIME HERITAGE, ARCHAEOLOGY OR CULTURE OF THE

1 UNITED STATES, THE COMMONWEALTH OR ANY OF ITS MUNICIPALITIES.

2 "LAND." ANY REAL PROPERTY, INCLUDING IMPROVEMENTS THEREON,  
3 RIGHT OF WAYS, WATER, RIPARIAN AND OTHER RIGHTS, EASEMENTS,  
4 PRIVILEGES AND ANY OTHER PHYSICAL PROPERTY OR RIGHTS OF INTEREST  
5 OF ANY KIND OR DESCRIPTION RELATING TO OR CONNECTED WITH REAL  
6 PROPERTY.

7 "LAND TRUST." A NONPROFIT CONSERVATION OR PRESERVATION  
8 ORGANIZATION, CONSERVANCY OR LAND TRUST WHOSE PRIMARY PURPOSE IS  
9 THE CONSERVATION AND PRESERVATION OF OPEN SPACE, PARK LANDS OR  
10 NATURAL AREAS FOR PUBLIC BENEFIT. ANY QUALIFIED ORGANIZATION  
11 SHALL BE TAX EXEMPT UNDER SECTION 501(C)(3) OF THE INTERNAL  
12 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.),  
13 REGISTERED WITH THE PENNSYLVANIA COMMISSION ON CHARITABLE  
14 ORGANIZATIONS AND HAVE AN EXISTENCE FOR AT LEAST FIVE  
15 CONSECUTIVE YEARS.

16 "LIBRARY." ANY FREE, PUBLIC, NONSECTARIAN LIBRARY, WHETHER  
17 ESTABLISHED AND MAINTAINED BY A MUNICIPALITY OR BY A PRIVATE  
18 ASSOCIATION, CORPORATION OR GROUP, WHICH SERVES THE  
19 INFORMATIONAL, EDUCATIONAL AND RECREATIONAL NEEDS OF ALL THE  
20 RESIDENTS OF THE AREA FOR WHICH ITS GOVERNING BODY IS  
21 RESPONSIBLE, BY PROVIDING FREE ACCESS, INCLUDING FREE LENDING  
22 AND REFERENCE SERVICES, TO AN ORGANIZED AND CURRENTLY USEFUL  
23 COLLECTION OF PRINTED ITEMS AND OTHER MATERIALS AND TO THE  
24 SERVICES OF A STAFF TRAINED TO RECOGNIZE AND PROVIDE FOR THESE  
25 NEEDS.

26 "MUNICIPALITY." ANY COUNTY, CITY, BOROUGH, INCORPORATED  
27 TOWN, TOWNSHIP, HOME RULE MUNICIPALITY OR ANY OFFICIAL AGENCY  
28 CREATED BY THE FOREGOING UNITS OF GOVERNMENT UNDER THE LAWS OF  
29 THIS COMMONWEALTH. ANY OF THE ACTIONS OF AN AUTHORITY OR OTHER  
30 OFFICIAL AGENCY TAKEN UNDER THIS ACT SHALL BE FIRST APPROVED BY

1 THE PARTICIPATING LOCAL GOVERNING BODIES IN THAT AUTHORITY OR  
2 OTHER OFFICIAL AGENCY.

3 "NATURAL AREAS." ANY AREA OF LAND, WATER, OR BOTH LAND AND  
4 WATER WHICH IS IMPORTANT IN PRESERVING FLORA, FAUNA, NATIVE  
5 ECOLOGICAL SYSTEMS, GEOLOGICAL, NATURAL HISTORICAL, OPEN SPACE,  
6 SCENIC OR SIMILAR FEATURES OF SCIENTIFIC OR EDUCATIONAL VALUE  
7 BENEFITING THE CITIZENS OF THIS COMMONWEALTH.

8 "PLANNING." COMPREHENSIVE PARK AND RECREATION PLANS, MASTER  
9 SITE DEVELOPMENT PLANS, FEASIBILITY STUDIES, NATURAL AREA  
10 STUDIES, INVENTORIES, GREENWAYS AND OPEN SPACE PLANS,  
11 MAINTENANCE MANAGEMENT PLANS, AND OTHER PLANS AND DOCUMENTS  
12 USEFUL TO MUNICIPALITIES, STATE AGENCIES AND LAND TRUSTS IN THE  
13 PLANNING, DEVELOPMENT, OPERATION, PROTECTION AND MANAGEMENT OF  
14 THEIR PUBLIC RECREATION, PARK, HISTORIC NATURAL AREAS,  
15 FACILITIES AND PROGRAMS. PLANNING MAY BE PERFORMED BY STATE  
16 AGENCY STAFF OR BY OUTSIDE CONSULTANTS.

17 "RECREATIONAL AREAS." PUBLIC BUILDINGS, STRUCTURES,  
18 FACILITIES, LANDS AND WATERS FOR ANY RELATED PUBLIC RECREATION  
19 PURPOSE SUCH AS, BUT NOT LIMITED TO, PLAYGROUNDS, SWIMMING  
20 FACILITIES, ATHLETIC FIELDS, COURTS, MAINTENANCE BUILDINGS,  
21 TRAILS, RECREATIONAL AND ENVIRONMENTAL CENTERS USED FOR SUCH  
22 ACTIVE AND PASSIVE PURPOSES, INCLUDING, BUT NOT LIMITED TO,  
23 PUBLIC PARKS, FISHING, HUNTING, BOATING, EDUCATIONAL PURPOSES OR  
24 PRESERVATION OF SCENIC SIGHTS OR AREAS OF HISTORICAL  
25 SIGNIFICANCE.

26 "REHABILITATION." THE IMPROVEMENT OR RESTORATION, EXCLUDING  
27 ROUTINE MAINTENANCE, OF EXISTING PUBLIC INDOOR OR OUTDOOR  
28 NATURAL AREAS, HISTORIC, RECREATIONAL, PARK AND LIBRARY  
29 FACILITIES.

30 "TECHNICAL ASSISTANCE." THE PROVISION OF GRANT AND



1 PROFESSIONAL SERVICE TO MUNICIPALITIES, ORGANIZATIONS AND  
2 CITIZENS, INCLUDING, BUT NOT LIMITED TO, PUBLICATIONS, VIDEO  
3 TAPES, WORKSHOPS, MEETINGS, PHONE CONSULTATION AND WRITTEN AND  
4 ELECTRONIC COMMUNICATION.

5 "ZOO." ANY ACCREDITED AND LICENSED ZOOLOGICAL PARK OR OTHER  
6 AREA, WHETHER ESTABLISHED AND MAINTAINED BY A MUNICIPALITY OR BY  
7 A PRIVATE NONPROFIT ASSOCIATION, CORPORATION OR GROUP, WHICH  
8 HOUSES A COLLECTION OF VARIED LIVING ANIMALS AND WHICH ACTIVELY  
9 PARTICIPATES IN WILDLIFE CONSERVATION, EDUCATION AND RECREATION  
10 PROGRAMS AND WHICH SERVES TO INCREASE THE UNDERSTANDING OF AND  
11 APPRECIATION FOR LIVING ANIMALS.

12 SECTION 4. KEYSTONE RECREATION, PARK AND CONSERVATION FUND.

13 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED IN THE STATE  
14 TREASURY A RESTRICTED RECEIPT ACCOUNT TO BE KNOWN AS THE  
15 KEYSTONE RECREATION, PARK AND CONSERVATION FUND TO PROVIDE  
16 MONEYS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ACT.

17 (B) SOURCE OF FUNDS.--ALL PROCEEDS FROM THE SALE OF BONDS OR  
18 NOTES AS APPROVED UNDER SECTION 5 AND THE MONTHLY TRANSFER OF A  
19 PORTION OF THE STATE REALTY TRANSFER TAX SHALL PROVIDE THE  
20 NECESSARY MONEYS FOR THE FUND.

21 (C) APPROPRIATIONS.--ALL MONEYS IN THE FUND ARE HEREBY  
22 APPROPRIATED ON A CONTINUING NONLAPSING BASIS TO THE DESIGNATED  
23 AGENCIES IN THE AMOUNTS SET FORTH IN SECTION 12. NO FUNDS SHALL  
24 BE EXPENDED BY ANY AGENCY WITHOUT AUTHORIZATION BY THE GOVERNOR.

25 (D) INTEREST.--ALL INTEREST EARNED BY THE FUND AND ALL  
26 REFUNDS OR REPAYMENTS SHALL BE CREDITED TO THE FUND AND ARE  
27 HEREBY APPROPRIATED TO THE APPROPRIATE AGENCIES IN THE SAME  
28 PERCENTAGE AS SPECIFIED IN SECTION 12.

29 SECTION 5. REFERENDUM.

30 (A) QUESTION.--THE QUESTION OF INCURRING INDEBTEDNESS OF

1 \$50,000,000 FOR THE PURPOSES OF PLANNING, ACQUISITION,  
2 DEVELOPMENT, REHABILITATION AND IMPROVEMENT OF PARKS AND  
3 RECREATIONAL FACILITIES, NATURAL AREAS, HISTORIC SITES,  
4 EDUCATIONAL FACILITIES, ZOOS AND LIBRARIES SHALL BE SUBMITTED TO  
5 THE ELECTORS AT THE NEXT PRIMARY, MUNICIPAL OR GENERAL ELECTION  
6 FOLLOWING ENACTMENT OF THIS ACT.

7 (B) CERTIFICATION.--THE SECRETARY OF THE COMMONWEALTH SHALL  
8 CERTIFY THE FORM OF THE QUESTION UNDER SUBSECTION (C) TO THE  
9 COUNTY BOARDS OF ELECTIONS.

10 (C) FORM OF QUESTION.--THE QUESTION SHALL BE IN  
11 SUBSTANTIALLY THE FOLLOWING FORM:

12 DO YOU FAVOR THE INCURRING OF INDEBTEDNESS BY THE  
13 COMMONWEALTH OF \$50,000,000 TO PROVIDE FOR THE FUNDING OF  
14 NATURE PRESERVES AND WILDLIFE HABITATS, AND FOR  
15 IMPROVEMENTS TO AND EXPANSION OF STATE PARKS, COMMUNITY  
16 PARKS AND RECREATION FACILITIES, HISTORIC SITES,  
17 EDUCATIONAL FACILITIES, ZOOS AND PUBLIC LIBRARIES.

18 (D) ELECTION.--THE ELECTION SHALL BE CONDUCTED AT THE NEXT  
19 OCCURRING GENERAL OR MUNICIPAL ELECTION FOLLOWING THE EFFECTIVE  
20 DATE OF THIS ACT, IN ACCORDANCE WITH THE ACT OF JUNE 3, 1937  
21 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,  
22 EXCEPT THAT THE TIME LIMITS FOR ADVERTISEMENT OF NOTICE OF THE  
23 ELECTION MAY BE WAIVED AS TO THE QUESTION.

24 (E) PROCEEDS.--PROCEEDS OF BORROWING SHALL BE DEPOSITED IN  
25 THE KEYSTONE RECREATION, PARK AND CONSERVATION FUND AND SHALL BE  
26 USED TO IMPLEMENT THE PROVISIONS OF THIS ACT.

27 SECTION 6. COMMONWEALTH INDEBTEDNESS.

28 (A) BORROWING AUTHORIZED.--

29 (1) SUBJECT TO THE APPROVAL OF THE ELECTORATE OF THE  
30 REFERENDUM SET FORTH IN SECTION 5 AND UNDER THE PROVISIONS OF

1 SECTION 7(A)(3) OF ARTICLE VIII OF THE CONSTITUTION OF  
2 PENNSYLVANIA, THE ISSUING OFFICIALS ARE AUTHORIZED AND  
3 DIRECTED TO BORROW OVER A THREE-YEAR PERIOD, ON THE CREDIT OF  
4 THE COMMONWEALTH, MONEY NOT EXCEEDING IN THE AGGREGATE THE  
5 SUM OF \$50,000,000, NOT INCLUDING MONEY BORROWED TO REFUND  
6 OUTSTANDING BONDS, NOTES OR REPLACEMENT NOTES, AS MAY BE  
7 FOUND NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT.

8 (2) AS EVIDENCE OF THE INDEBTEDNESS AUTHORIZED IN THIS  
9 ACT, GENERAL OBLIGATION BONDS OF THE COMMONWEALTH SHALL BE  
10 ISSUED, FROM TIME TO TIME, TO PROVIDE MONEYS NECESSARY TO  
11 CARRY OUT THE PURPOSES OF THIS ACT FOR SUCH TOTAL AMOUNTS, IN  
12 SUCH FORM, IN SUCH DENOMINATIONS AND SUBJECT TO SUCH TERMS  
13 AND CONDITIONS OF ISSUE, REDEMPTION AND MATURITY, RATE OF  
14 INTEREST AND TIME OF PAYMENT OF INTEREST AS THE ISSUING  
15 OFFICIALS DIRECT, EXCEPT THAT THE LATEST STATED MATURITY DATE  
16 SHALL NOT EXCEED 20 YEARS FROM THE DATE OF THE FIRST  
17 OBLIGATION ISSUED TO EVIDENCE THE DEBT.

18 (3) ALL BONDS AND NOTES ISSUED UNDER THE AUTHORITY OF  
19 THIS ACT SHALL BEAR FACSIMILE SIGNATURES OF THE ISSUING  
20 OFFICIAL AND A FACSIMILE OF THE GREAT SEAL OF THE  
21 COMMONWEALTH AND SHALL BE COUNTERSIGNED BY A DULY AUTHORIZED  
22 OFFICER OF A DULY AUTHORIZED LOAN AND TRANSFER AGENT OF THE  
23 COMMONWEALTH.

24 (4) ALL BONDS AND NOTES ISSUED IN ACCORDANCE WITH THE  
25 PROVISIONS OF THIS SECTION SHALL BE DIRECT OBLIGATIONS OF THE  
26 COMMONWEALTH, AND THE FULL FAITH AND CREDIT OF THE  
27 COMMONWEALTH ARE HEREBY PLEDGED FOR THE PAYMENT OF THE  
28 INTEREST THEREON, AS IT BECOMES DUE, AND THE PAYMENT OF THE  
29 PRINCIPAL AT MATURITY. THE PRINCIPAL OF AND INTEREST ON THE  
30 BONDS AND NOTES SHALL BE PAYABLE IN LAWFUL MONEY OF THE

1 UNITED STATES.

2 (5) ALL BONDS AND NOTES ISSUED UNDER THE PROVISIONS OF  
3 THIS SECTION SHALL BE EXEMPT FROM TAXATION FOR STATE AND  
4 LOCAL PURPOSES EXCEPT AS MAY BE PROVIDED UNDER ARTICLE XVI OF  
5 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX  
6 REFORM CODE OF 1971.

7 (6) THE BONDS MAY BE ISSUED AS COUPON BONDS OR  
8 REGISTERED AS TO BOTH PRINCIPAL AND INTEREST AS THE ISSUING  
9 OFFICIALS MAY DETERMINE. IF INTEREST COUPONS ARE ATTACHED,  
10 THEY SHALL CONTAIN THE FACSIMILE SIGNATURE OF THE STATE  
11 TREASURER.

12 (7) THE ISSUING OFFICIALS SHALL PROVIDE FOR THE  
13 AMORTIZATION OF THE BONDS IN SUBSTANTIAL AND REGULAR AMOUNTS  
14 OVER THE TERM OF THE DEBT SO THAT THE BONDS OF EACH ISSUE  
15 ALLOCATED TO THE PROGRAMS TO BE FUNDED FROM THE BOND ISSUE  
16 SHALL MATURE WITHIN A PERIOD NOT TO EXCEED THE APPROPRIATE  
17 AMORTIZATION PERIOD FOR EACH PROGRAM AS SPECIFIED BY THE  
18 ISSUING OFFICIALS BUT IN NO CASE IN EXCESS OF 30 YEARS. THE  
19 FIRST RETIREMENT OF PRINCIPAL SHALL BE STATED TO MATURE PRIOR  
20 TO THE EXPIRATION OF A PERIOD OF TIME EQUAL TO ONE-TENTH OF  
21 THE TIME FROM THE DATE OF THE FIRST OBLIGATION ISSUED TO  
22 EVIDENCE THE DEBT TO THE DATE OF THE EXPIRATION OF THE TERM  
23 OF THE DEBT. RETIREMENTS OF PRINCIPAL SHALL BE REGULAR AND  
24 SUBSTANTIAL IF MADE IN ANNUAL OR SEMIANNUAL AMOUNTS WHETHER  
25 BY STATED SERIAL MATURITIES OR BY MANDATORY SINKING FUND  
26 RETIREMENTS.

27 (8) THE ISSUING OFFICIALS ARE AUTHORIZED TO PROVIDE BY  
28 RESOLUTION, FOR THE ISSUANCE OF REFUNDING BONDS FOR THE  
29 PURPOSE OF REFUNDING ANY DEBT ISSUED UNDER THE PROVISIONS OF  
30 THIS ACT AND THEN OUTSTANDING, EITHER BY VOLUNTARY EXCHANGE

1 WITH THE HOLDERS OF THE OUTSTANDING DEBT OR TO PROVIDE FUNDS  
2 TO REDEEM AND RETIRE THE OUTSTANDING DEBT WITH ACCRUED  
3 INTEREST, ANY PREMIUM PAYABLE THEREON AND THE COSTS OF  
4 ISSUANCE AND RETIREMENT OF THE DEBT, AT MATURITY OR AT ANY  
5 CALL DATE. THE ISSUANCE OF THE REFUNDING BONDS, THE  
6 MATURITIES AND OTHER DETAILS THEREOF, THE RIGHTS OF THE  
7 HOLDERS THEREOF AND THE DUTIES OF THE ISSUING OFFICIALS IN  
8 RESPECT THERETO SHALL BE GOVERNED BY THE PROVISIONS OF THIS  
9 SECTION, INsofar AS THEY MAY BE APPLICABLE. REFUNDING BONDS,  
10 WHICH ARE NOT SUBJECT TO THE AGGREGATE LIMITATION OF  
11 \$50,000,000 OF DEBT TO BE ISSUED PURSUANT TO THIS ACT, MAY BE  
12 ISSUED BY THE ISSUING OFFICIALS TO REFUND DEBT ORIGINALLY  
13 ISSUED OR TO REFUND BONDS PREVIOUSLY ISSUED FOR REFUNDING  
14 PURPOSES.

15 (9) WHENEVER ANY ACTION IS TO BE TAKEN OR DECISION MADE  
16 BY THE GOVERNOR, THE AUDITOR GENERAL AND THE STATE TREASURER  
17 ACTING AS ISSUING OFFICIALS AND THE THREE OFFICERS ARE NOT  
18 ABLE UNANIMOUSLY TO AGREE, THE ACTION OR DECISION OF THE  
19 GOVERNOR AND EITHER THE AUDITOR GENERAL OR THE STATE  
20 TREASURER SHALL BE BINDING AND FINAL.

21 (10) ISSUING OFFICIALS SHALL MEAN THE GOVERNOR, THE  
22 AUDITOR GENERAL AND THE STATE TREASURER.

23 (B) SALE OF BONDS.--

24 (1) WHENEVER BONDS ARE ISSUED, THEY SHALL BE OFFERED FOR  
25 SALE AT NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND ACCRUED  
26 INTEREST AND SHALL BE SOLD BY THE ISSUING OFFICIALS TO THE  
27 HIGHEST AND BEST BIDDER OR BIDDERS AFTER DUE PUBLIC  
28 ADVERTISEMENT ON THE TERMS AND CONDITIONS AND UPON SUCH OPEN  
29 COMPETITIVE BIDDING AS THE ISSUING OFFICIALS SHALL DIRECT.

30 THE MANNER AND CHARACTER OF THE ADVERTISEMENT AND THE TIME OF

1 ADVERTISING SHALL BE PRESCRIBED BY THE ISSUING OFFICIALS. NO  
2 COMMISSION SHALL BE ALLOWED OR PAID FOR THE SALE OF ANY BONDS  
3 ISSUED UNDER THE AUTHORITY OF THIS ACT.

4 (2) ANY PORTION OF ANY BOND ISSUE SO OFFERED AND NOT  
5 SOLD OR SUBSCRIBED FOR AT PUBLIC SALE MAY BE DISPOSED OF BY  
6 PRIVATE SALE BY THE ISSUING OFFICIALS IN SUCH MANNER AND AT  
7 SUCH PRICES, NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND  
8 ACCRUED INTEREST, AS THE GOVERNOR SHALL DIRECT. NO COMMISSION  
9 SHALL BE ALLOWED OR PAID FOR THE SALE OF ANY BONDS ISSUED  
10 UNDER THE AUTHORITY OF THIS ACT.

11 (3) WHEN BONDS ARE ISSUED FROM TIME TO TIME, THE BONDS  
12 OF EACH ISSUE SHALL CONSTITUTE A SEPARATE SERIES TO BE  
13 DESIGNATED BY THE ISSUING OFFICIALS OR MAY BE COMBINED FOR  
14 SALE AS ONE SERIES WITH OTHER GENERAL OBLIGATION BONDS OF THE  
15 COMMONWEALTH.

16 (4) UNTIL PERMANENT BONDS CAN BE PREPARED, THE ISSUING  
17 OFFICIALS MAY IN THEIR DISCRETION ISSUE, IN LIEU OF PERMANENT  
18 BONDS, TEMPORARY BONDS IN SUCH FORM AND WITH SUCH PRIVILEGES  
19 AS TO REGISTRATION AND EXCHANGE FOR PERMANENT BONDS AS MAY BE  
20 DETERMINED BY THE ISSUING OFFICIALS.

21 (5) THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND  
22 NOTES, EXCEPT REFUNDING BONDS AND REPLACEMENT NOTES, UNDER  
23 THE PROVISIONS OF THIS ACT SHALL BE PAID INTO THE KEYSTONE  
24 RECREATION, PARK AND CONSERVATION FUND IN THE STATE TREASURY  
25 AND ARE SPECIFICALLY DEDICATED TO THE PURPOSES OF THIS ACT.  
26 THE PROCEEDS SHALL BE PAID BY THE STATE TREASURER  
27 PERIODICALLY TO THOSE AGENCIES AUTHORIZED TO EXPEND THEM AT  
28 SUCH TIMES AND IN SUCH AMOUNTS AS MAY BE NECESSARY TO SATISFY  
29 THE FUNDING NEEDS OF THE AGENCY. THE PROCEEDS OF THE SALE OF  
30 REFUNDING BONDS AND REPLACEMENT NOTES SHALL BE PAID TO THE

1 STATE TREASURER AND APPLIED TO THE PAYMENT OF PRINCIPAL, THE  
2 ACCRUED INTEREST AND PREMIUM, IF ANY, AND COST OF REDEMPTION  
3 OF THE BONDS AND NOTES FOR WHICH THE OBLIGATIONS SHALL HAVE  
4 BEEN ISSUED.

5 (6) PENDING THEIR APPLICATION FOR THE PURPOSES  
6 AUTHORIZED, MONEYS HELD OR DEPOSITED BY THE STATE TREASURER  
7 MAY BE INVESTED OR REINVESTED AS ARE OTHER FUNDS IN THE  
8 CUSTODY OF THE STATE TREASURER IN THE MANNER PROVIDED BY LAW.  
9 ALL EARNINGS RECEIVED FROM THE INVESTMENT OR DEPOSIT OF THE  
10 FUNDS SHALL BE PAID INTO THE STATE TREASURY TO THE CREDIT OF  
11 THE FUND.

12 (7) THE AUDITOR GENERAL SHALL PREPARE THE NECESSARY  
13 REGISTRY BOOK TO BE KEPT IN THE OFFICE OF THE DULY AUTHORIZED  
14 LOAN AND TRANSFER AGENT OF THE COMMONWEALTH FOR THE  
15 REGISTRATION OF ANY BONDS, AT THE REQUEST OF OWNERS THEREOF,  
16 ACCORDING TO THE TERMS AND CONDITIONS OF ISSUE DIRECTED BY  
17 THE ISSUING OFFICIALS.

18 (8) THERE IS HEREBY APPROPRIATED TO THE STATE TREASURER  
19 FROM THE FUND AS MUCH MONEY AS MAY BE NECESSARY FOR ALL COSTS  
20 AND EXPENSES IN CONNECTION WITH THE ISSUE OF AND SALE AND  
21 REGISTRATION OF THE BONDS AND NOTES IN CONNECTION WITH THIS  
22 ACT AND THE PAYMENT OF INTEREST ARBITRAGE REBATES OR PROCEEDS  
23 OF SUCH BONDS AND NOTES.

24 (C) TEMPORARY FINANCING AUTHORIZATION.--

25 (1) PENDING THE ISSUANCE OF BONDS OF THE COMMONWEALTH AS  
26 AUTHORIZED, THE ISSUING OFFICIALS ARE HEREBY AUTHORIZED, IN  
27 ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND ON THE CREDIT  
28 OF THE COMMONWEALTH, TO MAKE TEMPORARY BORROWINGS NOT TO  
29 EXCEED ONE YEAR IN ANTICIPATION TO THE ISSUE OF BONDS IN  
30 ORDER TO PROVIDE FUNDS IN SUCH AMOUNTS AS MAY, FROM TIME TO

1 TIME, BE DEEMED ADVISABLE PRIOR TO THE ISSUE OF BONDS. IN  
2 ORDER TO PROVIDE FOR AND IN CONNECTION WITH SUCH TEMPORARY  
3 BORROWINGS, THE ISSUING OFFICIALS ARE HEREBY AUTHORIZED IN  
4 THE NAME AND ON BEHALF OF THE COMMONWEALTH TO ENTER INTO ANY  
5 PURCHASE, LOAN OR CREDIT AGREEMENT, OR AGREEMENTS, OR OTHER  
6 AGREEMENT OR AGREEMENTS WITH ANY BANKS OR TRUST COMPANIES OR  
7 OTHER LENDING INSTITUTIONS, INVESTMENT BANKING FIRMS OR  
8 PERSONS IN THE UNITED STATES HAVING POWER TO ENTER INTO THE  
9 SAME, WHICH AGREEMENTS MAY CONTAIN PROVISIONS NOT  
10 INCONSISTENT WITH THE PROVISIONS OF THIS ACT AS MAY BE  
11 AUTHORIZED BY THE ISSUING OFFICIALS.

12 (2) ALL TEMPORARY BORROWINGS MADE UNDER THE  
13 AUTHORIZATION OF THIS SECTION SHALL BE EVIDENCED BY NOTES OF  
14 THE COMMONWEALTH, WHICH SHALL BE ISSUED, FROM TIME TO TIME,  
15 FOR SUCH AMOUNTS NOT EXCEEDING IN THE AGGREGATE THE  
16 APPLICABLE STATUTORY AND CONSTITUTIONAL DEBT LIMITATION, IN  
17 SUCH FORM AND IN SUCH DENOMINATIONS AND SUBJECT TO TERMS AND  
18 CONDITION OF SALE AND ISSUE, PREPAYMENT OR REDEMPTION AND  
19 MATURITY, RATE OR RATES OF INTEREST AND TIME OF PAYMENT OF  
20 INTEREST AS THE ISSUING OFFICIALS SHALL AUTHORIZE AND DIRECT  
21 AND IN ACCORDANCE WITH THIS ACT. SUCH AUTHORIZATION AND  
22 DIRECTION MAY PROVIDE FOR THE SUBSEQUENT ISSUANCE OF  
23 REPLACEMENT NOTES TO REFUND OUTSTANDING NOTES OR REPLACEMENT  
24 NOTES, WHICH REPLACEMENT NOTES SHALL, UPON ISSUANCE THEREOF,  
25 EVIDENCE SUCH BORROWING, AND MAY SPECIFY SUCH OTHER TERMS AND  
26 CONDITIONS WITH RESPECT TO THE NOTES AND REPLACEMENT NOTES  
27 THEREBY AUTHORIZED FOR ISSUANCE AS THE ISSUING OFFICIALS MAY  
28 DETERMINE AND DIRECT.

29 (3) WHEN THE AUTHORIZATION AND DIRECTION OF THE ISSUING  
30 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE



1 ISSUING OFFICIALS ARE HEREBY AUTHORIZED IN THE NAME AND ON  
2 BEHALF OF THE COMMONWEALTH TO ISSUE, ENTER INTO OR AUTHORIZE  
3 AND DIRECT THE STATE TREASURER TO ENTER INTO AGREEMENTS WITH  
4 ANY BANKS, TRUST COMPANIES, INVESTMENT BANKING FIRMS OR OTHER  
5 INSTITUTIONS OR PERSONS IN THE UNITED STATES HAVING THE POWER  
6 TO ENTER THE SAME:

7 (I) TO PURCHASE OR UNDERWRITE AN ISSUE OR SERIES OF  
8 ISSUES OF NOTES.

9 (II) TO CREDIT, TO ENTER INTO ANY PURCHASE, LOAN OR  
10 CREDIT AGREEMENTS, TO DRAW MONEYS PURSUANT TO ANY SUCH  
11 AGREEMENTS ON THE TERMS AND CONDITIONS SET FORTH THEREIN  
12 AND TO ISSUE NOTES AS EVIDENCE OF BORROWINGS MADE UNDER  
13 ANY SUCH AGREEMENTS.

14 (III) TO APPOINT AS ISSUING AND PAYING AGENT OR  
15 AGENTS WITH RESPECT TO NOTES.

16 (IV) TO DO ALL ACTS AS MAY BE NECESSARY OR  
17 APPROPRIATE TO PROVIDE FOR THE PAYMENT, WHEN DUE, OF THE  
18 INTEREST ON AND THE PRINCIPAL OF SUCH NOTES.

19 SUCH AGREEMENTS MAY PROVIDE FOR THE COMPENSATION OF ANY  
20 PURCHASERS OR UNDERWRITERS OF NOTES OR REPLACEMENT NOTES BY  
21 DISCOUNTING THE PURCHASE PRICE OF THE NOTES OR BY PAYMENT OF  
22 A FIXED FEE OR COMMISSION AT THE TIME OF ISSUANCE THEREOF,  
23 AND ALL OTHER COSTS AND EXPENSES, INCLUDING FEES FOR  
24 AGREEMENTS RELATED TO THE NOTES, ISSUING AND PAYING AGENT  
25 COSTS AND COSTS AND EXPENSES OF ISSUANCE, MAY BE PAID FROM  
26 THE PROCEEDS OF THE NOTES.

27 (4) WHEN THE AUTHORIZATION AND DIRECTION OF THE ISSUING  
28 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE  
29 STATE TREASURER SHALL, AT OR PRIOR TO THE TIME OF DELIVERY OF  
30 THESE NOTES OR REPLACEMENT NOTES, DETERMINE THE PRINCIPAL

1 AMOUNTS, DATES OF ISSUE, INTEREST RATE OR RATES (OR  
2 PROCEDURES FOR ESTABLISHING SUCH RATES FROM TIME TO TIME),  
3 RATES OF DISCOUNT, DENOMINATIONS AND ALL OTHER TERMS AND  
4 CONDITIONS RELATING TO THE ISSUANCE AND SHALL PERFORM ALL  
5 ACTS AND THINGS NECESSARY TO PAY OR CAUSE TO BE PAID, WHEN  
6 DUE, ALL PRINCIPAL OF AND INTEREST ON THE NOTES BEING  
7 REFUNDED BY REPLACEMENT NOTES AND TO ASSURE THAT THE SAME MAY  
8 DRAW UPON ANY MONEYS AVAILABLE FOR THAT PURPOSE PURSUANT TO  
9 ANY PURCHASE, LOAN OR CREDIT AGREEMENTS ESTABLISHED WITH  
10 RESPECT THERETO, ALL SUBJECT TO THE AUTHORIZATION AND  
11 DIRECTION OF THE ISSUING OFFICIALS.

12 (5) OUTSTANDING NOTES EVIDENCING THE BORROWINGS MAY BE  
13 FUNDED AND RETIRED BY THE ISSUANCE AND SALE OF THE BONDS OF  
14 THE COMMONWEALTH AS HEREINAFTER AUTHORIZED. THE REFUNDING  
15 BONDS MUST BE ISSUED AND SOLD NOT LATER THAN A DATE ONE YEAR  
16 AFTER THE DATE OF ISSUANCE OF THE FIRST NOTES EVIDENCING SUCH  
17 BORROWINGS TO THE EXTENT THAT PAYMENT OF SUCH NOTES HAS NOT  
18 OTHERWISE BEEN MADE OR PROVIDED FOR BY SOURCES OTHER THAN  
19 PROCEEDS OF REPLACEMENT NOTES.

20 (6) THE PROCEEDS OF ALL TEMPORARY BORROWING SHALL BE  
21 PAID TO THE STATE TREASURER TO BE HELD AND DISPOSED OF IN  
22 ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

23 (D) DEBT RETIREMENT.--

24 (1) ALL BONDS ISSUED UNDER THE AUTHORITY OF THIS ACT  
25 SHALL BE REDEEMED AT MATURITY, TOGETHER WITH ALL INTEREST  
26 DUE, FROM TIME TO TIME, ON THE BONDS, AND THESE PRINCIPAL AND  
27 INTEREST PAYMENTS SHALL BE PAID FROM THE KEYSTONE RECREATION,  
28 PARK AND CONSERVATION SINKING FUND, WHICH IS HEREBY CREATED.  
29 FOR THE SPECIFIC PURPOSE OF REDEEMING THE BONDS AT MATURITY  
30 AND PAYING ALL INTEREST THEREON IN ACCORDANCE WITH THE

1 INFORMATION RECEIVED FROM THE GOVERNOR, THE GENERAL ASSEMBLY  
2 SHALL APPROPRIATE MONEYS TO THE KEYSTONE RECREATION, PARK AND  
3 CONSERVATION SINKING FUND FOR THE PAYMENT OF INTEREST ON THE  
4 BONDS AND NOTES AND THE PRINCIPAL THEREOF AT MATURITY. ALL  
5 MONEYS PAID INTO THE KEYSTONE RECREATION, PARK AND  
6 CONSERVATION SINKING FUND AND ALL OF THE MONEYS NOT NECESSARY  
7 TO PAY ACCRUING INTEREST SHALL BE INVESTED BY THE STATE  
8 TREASURER IN SUCH SECURITIES AS ARE PROVIDED BY LAW FOR THE  
9 INVESTMENT OF THE SINKING FUNDS OF THE COMMONWEALTH.

10 (2) THE STATE TREASURER SHALL DETERMINE AND REPORT TO  
11 THE SECRETARY OF THE BUDGET BY NOVEMBER 1 OF EACH YEAR, THE  
12 AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF INTEREST ON  
13 OUTSTANDING OBLIGATIONS AND THE PRINCIPAL OF THE OBLIGATIONS,  
14 IF ANY, FOR THE FOLLOWING FISCAL YEAR AND THE TIMES AND  
15 AMOUNTS OF THE PAYMENTS. IT SHALL BE THE DUTY OF THE GOVERNOR  
16 TO INCLUDE IN EVERY BUDGET SUBMITTED TO THE GENERAL ASSEMBLY  
17 FULL INFORMATION RELATING TO THE ISSUANCE OF BONDS AND NOTES  
18 UNDER THE PROVISIONS OF THIS ACT AND THE STATUS OF THE  
19 KEYSTONE RECREATION, PARK AND CONSERVATION SINKING FUND OF  
20 THE COMMONWEALTH FOR THE PAYMENT OF INTEREST ON THE BONDS AND  
21 NOTES AND THE PRINCIPAL THEREOF AT MATURITY.

22 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT  
23 EQUAL TO THE SUMS THAT MAY BE NECESSARY TO MEET REPAYMENT  
24 OBLIGATIONS FOR PRINCIPAL AND INTEREST FOR DEPOSIT INTO THE  
25 KEYSTONE RECREATION, PARK AND CONSERVATION SINKING FUND.

26 (E) ANNUAL LIMITATION ON DEBT OBLIGATIONS ISSUED.--BONDS AND  
27 NOTES, NOT INCLUDING REFUNDING BONDS OR REPLACEMENT NOTES, AS  
28 AUTHORIZED HEREIN, SHALL NOT BE ISSUED IN THE AGGREGATE  
29 PRINCIPAL AMOUNT OF MORE THAN \$35,000,000 DURING ANY ONE STATE  
30 FISCAL YEAR.

1 (F) EXPIRATION.--AUTHORIZATION TO ISSUE BONDS AND NOTES, NOT  
2 INCLUDING REFUNDING BONDS AND REPLACEMENT NOTES, FOR THE  
3 PURPOSES OF THIS ACT SHALL EXPIRE FIVE YEARS FROM THE EFFECTIVE  
4 DATE OF THIS SECTION.

5 SECTION 7. ALLOCATION OF STATE REALTY TRANSFER TAX REVENUE.

6 BEGINNING JULY 31, 1994, AND AT THE END OF EACH MONTH  
7 THEREAFTER, THE STATE TREASURER SHALL TRANSFER TO THE KEYSTONE  
8 RECREATION, PARK AND CONSERVATION FUND 15% OF THE PREVIOUS  
9 MONTH'S REVENUES FROM THE TAX IMPOSED UNDER SECTION 1102-C OF  
10 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM  
11 CODE OF 1971. UPON THE ENACTMENT OF AN INCREASE OF THE TAX  
12 IMPOSED UNDER SECTION 1102-C OF THE ACT, THE AMOUNT TRANSFERRED  
13 EACH MONTH PURSUANT TO SECTION 7 OF THIS ACT SHALL NOT EXCEED  
14 THE AMOUNT WHICH WOULD HAVE BEEN COLLECTED HAD THE TAX INCREASE  
15 NOT BEEN ENACTED. MONEYS TRANSFERRED TO THE FUND FROM STATE  
16 REALTY TRANSFER TAX REVENUES SHALL NOT BE MADE AVAILABLE FOR  
17 EXPENDITURE UNTIL THE FISCAL YEAR BEGINNING JULY 1, 1995.

18 SECTION 8. DUTIES, RESPONSIBILITIES AND LIMITATIONS ON  
19 AGENCIES.

20 (A) GENERAL RULE.--EACH AGENCY SHALL PROMULGATE RULES AND  
21 REGULATIONS THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
22 ACT CONSISTENT WITH THE CRITERIA SET FORTH IN THIS ACT.

23 (B) DEPARTMENT OF ENVIRONMENTAL RESOURCES.--

24 (1) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL  
25 UTILIZE BOND REVENUES FOR THE FOLLOWING PURPOSES:

26 (I) REHABILITATING, REPAIRING AND DEVELOPING STATE  
27 PARK AND FOREST FACILITIES DEEMED BY THE DEPARTMENT TO BE  
28 CRITICAL FOR VISITOR SAFETY, ENVIRONMENTAL PROTECTION OR  
29 ESSENTIAL FOR FACILITY OPERATION. NOT LESS THAN 70% OF  
30 THE BOND REVENUES WILL BE USED FOR THESE PURPOSES.

1           (II)   ACQUIRING RECREATION AREAS AND NATURAL AREAS  
2           WHICH IN THE OPINION OF THE DEPARTMENT FACE IMMINENT LOSS  
3           OR DAMAGE. UP TO 30% OF THE BOND REVENUES MAY BE USED FOR  
4           THIS PURPOSE.

5           (2)   THE DEPARTMENT SHALL EXPEND REALTY TRANSFER TAX  
6           REVENUES APPROPRIATED FROM THE KEYSTONE FUND FOR THE  
7           FOLLOWING PURPOSES:

8           (I)   REHABILITATING AND UPGRADING STATE PARK AND  
9           FOREST FACILITIES.

10          (II)   IMPLEMENTING THE ACT OF DECEMBER 18, 1990  
11          (P.L.748, NO.188), KNOWN AS THE RAILS TO TRAILS ACT. UP  
12          TO 10% OF THE MONEYS CAN BE PROVIDED AS 50/50 MATCHING  
13          GRANTS TO MUNICIPALITIES AND APPROPRIATE ORGANIZATIONS  
14          FOR PLANNING, ACQUISITION AND DEVELOPMENT OF RAILS TO  
15          TRAILS.

16          (III)  MAKING 50/50 MATCHING GRANTS TO MUNICIPALITIES  
17          AND APPROPRIATE ORGANIZATIONS FOR THE PURPOSE OF RIVERS  
18          PROTECTION AND CONSERVATION. UP TO 10% OF THE MONEYS CAN  
19          BE USED FOR THIS PURPOSE.

20          (IV)  ACQUIRING LANDS IMPORTANT TO MAINTAINING THE  
21          INTEGRITY OF EXISTING STATE PARKS AND FORESTS.

22          (C)   DEPARTMENT OF COMMUNITY AFFAIRS.--

23          (1)   THE DEPARTMENT OF COMMUNITY AFFAIRS SHALL PROVIDE  
24          GRANTS OF BOND REVENUES AND REALTY TRANSFER TAX REVENUES TO  
25          MUNICIPALITIES FOR THE FOLLOWING PURPOSES:

26          (I)   TO FUND UP TO 50% OF THE ELIGIBLE PROJECT COSTS  
27          FOR REHABILITATION AND DEVELOPMENT OF OUTDOOR AND INDOOR  
28          RECREATION AND PARK FACILITIES AND AREAS.

29          (II)  TO PAY UP TO 50% OF THE ELIGIBLE PROJECT COSTS  
30          FOR ACQUISITION OF RECREATION AND PARK LANDS, GREENWAYS

1           AND NATURAL AREAS.

2           (III) TO PAY UP TO 100% OF THE ELIGIBLE PROJECT  
3           COSTS FOR PLANNING PROJECTS AND SPECIAL TECHNICAL  
4           ASSISTANCE INITIATIVES DEEMED APPROPRIATE BY THE  
5           DEPARTMENT.

6           (IV) TO PROVIDE MUNICIPALITIES WITH A POPULATION OF  
7           5,000 OR LESS WITH UP TO 100% FUNDING FOR ELIGIBLE  
8           MATERIAL COSTS AND PROFESSIONAL FEES. GRANTS ARE LIMITED  
9           TO A MAXIMUM OF \$20,000 FOR REHABILITATION AND  
10          DEVELOPMENT OF BASIC OUTDOOR RECREATION AND PARK  
11          FACILITIES AND RENOVATION OF MINOR INDOOR RECREATION  
12          FACILITIES.

13          (2) THE DEPARTMENT OF COMMUNITY AFFAIRS SHALL PROVIDE  
14          GRANTS OF BOND REVENUES AND REALTY TRANSFER TAX REVENUES TO  
15          LAND TRUSTS TO PAY UP TO 50% OF ELIGIBLE PROJECT COSTS FOR  
16          NATURAL AREAS AND OPEN SPACE PLANNING AND ACQUISITION. ANY  
17          LAND ACQUIRED UNDER THIS PARAGRAPH SHALL BE OPEN TO THOSE  
18          PUBLIC USES THAT ARE CONSISTENT WITH THE PURPOSES FOR WHICH  
19          THE LAND WAS ACQUIRED. TEMPORARY LIMITATION OF PUBLIC ACCESS  
20          FOR THE PURPOSE OF PROTECTING OR RESTORING THE NATURAL  
21          RESOURCES OF AN AREA SHALL NOT BE CONSIDERED A VIOLATION OF  
22          THIS PARAGRAPH. THE DEPARTMENT OF COMMUNITY AFFAIRS, IN  
23          CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL RESOURCES,  
24          SHALL ADOPT PROJECT SELECTION CRITERIA THAT GIVE PRIORITY TO  
25          ACQUISITIONS OF CRITICAL HABITAT FOR RARE, THREATENED OR  
26          ENDANGERED PLANT OR ANIMAL SPECIES OR COMMUNITIES WHICH ARE  
27          AT RISK OF DESTRUCTION OR SUBSTANTIAL DEGRADATION.

28          (3) THE DEPARTMENT OF COMMUNITY AFFAIRS SHALL PROVIDE  
29          GRANTS OF BOND REVENUES AND REALTY TRANSFER TAX REVENUES TO  
30          MUNICIPALITIES AND APPROPRIATE ORGANIZATIONS TO PAY UP TO 50%

1 OF THE ELIGIBLE PROJECT COSTS FOR REHABILITATION AND  
2 DEVELOPMENT OF ZOOS.

3 (D) DEPARTMENT OF EDUCATION.--THE DEPARTMENT OF EDUCATION  
4 SHALL PROVIDE GRANTS FROM BOND REVENUES AND REALTY TRANSFER TAX  
5 REVENUES TO MUNICIPALITIES TO PAY UP TO 50% OF ELIGIBLE PROJECT  
6 COSTS FOR PLANNING, ACQUISITION, DEVELOPMENT AND REHABILITATION  
7 OF PUBLIC LIBRARIES.

8 (E) PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.--THE  
9 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION SHALL UTILIZE BOND  
10 REVENUES AND REALTY TRANSFER TAX REVENUES FOR PLANNING,  
11 ACQUISITION, DEVELOPMENT AND REHABILITATION OF COMMONWEALTH-  
12 OWNED HISTORIC SITES AND MUSEUMS AND TO PROVIDE GRANTS TO  
13 NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES FOR THE PLANNING,  
14 ACQUISITION AND REHABILITATION OF PUBLICLY ACCESSIBLE HISTORIC  
15 SITES LISTED IN OR ELIGIBLE FOR THE NATIONAL REGISTER OF  
16 HISTORIC PLACES.

17 (F) STATE SYSTEM OF HIGHER EDUCATION.--THE STATE SYSTEM OF  
18 HIGHER EDUCATION SHALL UTILIZE BOND REVENUES AND REALTY TRANSFER  
19 TAX REVENUES FOR DEFERRED MAINTENANCE.

20 (G) PENNSYLVANIA FISH AND BOAT COMMISSION.--THE PENNSYLVANIA  
21 FISH AND BOAT COMMISSION SHALL UTILIZE BOND REVENUES FOR  
22 PLANNING, ACQUISITION, DEVELOPMENT AND REHABILITATION OF FISHING  
23 AND BOATING ACCESS AREAS, RECREATION AREAS AND NATURAL AREAS AND  
24 FOR TECHNICAL ASSISTANCE.

25 (H) PENNSYLVANIA GAME COMMISSION.--THE PENNSYLVANIA GAME  
26 COMMISSION SHALL UTILIZE BOND REVENUES FOR PLANNING,  
27 ACQUISITION, DEVELOPMENT AND REHABILITATION OF GAME LANDS,  
28 RECREATION AREAS AND NATURAL AREAS AND FOR TECHNICAL ASSISTANCE.

29 (I) ADMINISTRATIVE EXPENSE LIMITATION.--ADMINISTRATIVE  
30 EXPENSES FOR AGENCIES ADMINISTERING THESE PROGRAMS SHALL BE

1 LIMITED TO 5% OF THE FUNDING RECEIVED BY THE AGENCY FOR THESE  
2 PROGRAMS.

3 (J) LAND TRUST RESTRICTIONS.--ANY MONEYS RECEIVED BY LAND  
4 TRUSTS UNDER THE PROVISIONS OF THIS ACT SHALL BE EXPENDED ONLY  
5 FOR THE PLANNING OF AND ACQUISITION OF NATURAL AREAS.

6 SECTION 9. ANNUAL REPORTS.

7 BEGINNING ON JANUARY 31, 1995, AND ANNUALLY THEREAFTER, THE  
8 DEPARTMENT OF ENVIRONMENTAL RESOURCES, THE DEPARTMENT OF  
9 COMMUNITY AFFAIRS, THE DEPARTMENT OF EDUCATION, THE PENNSYLVANIA  
10 HISTORICAL AND MUSEUM COMMISSION, THE STATE SYSTEM OF HIGHER  
11 EDUCATION, THE PENNSYLVANIA FISH AND BOAT COMMISSION AND THE  
12 PENNSYLVANIA GAME COMMISSION SHALL SUBMIT TO THE GOVERNOR AND  
13 THE GENERAL ASSEMBLY AN ANNUAL REPORT OF PROJECTS AND SERVICES  
14 PROVIDED BY FUNDING FROM THIS ACT.

15 SECTION 10. PROPERTY RESTRICTIONS.

16 RECIPIENTS OF GRANTS OR FUNDS UNDER THIS ACT SHALL NOT  
17 DISPOSE OF NOR AT ANY TIME CONVERT PROPERTY ACQUIRED PURSUANT TO  
18 THIS ACT TO OTHER THAN THE PURPOSES APPROVED IN THE PROJECT  
19 APPLICATIONS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE HEAD OF  
20 THE AGENCY AS APPROPRIATE. SHOULD DISPOSITION OR CONVERSION  
21 OCCUR, THE AGENCY MAY:

22 (1) REQUIRE THE RECIPIENT TO REFUND ALL GRANT FUNDS FOR  
23 THE PARTICULAR PROJECT INCLUDING 10% ANNUAL INTEREST  
24 COMPOUNDED FOUR TIMES ANNUALLY FROM THE DATE THE ORIGINAL  
25 GRANT-IN-AID WAS RECEIVED UNTIL IT IS REPAID.

26 (2) REQUIRE ACQUISITION BY THE RECIPIENT OF EQUIVALENT  
27 REPLACEMENT LAND, AS DETERMINED BY THE AGENCY.

28 SECTION 11. FEDERAL PROGRAMS.

29 THE AGENCIES MAY UTILIZE ANY AVAILABLE FEDERAL PROGRAMS AND  
30 FUNDS TO AUGMENT THE FUNDS MADE AVAILABLE TO THE AGENCIES UNDER



1 THE PROVISIONS OF THIS ACT.

2 SECTION 12. ALLOCATION FROM FUND.

3 (A) ALLOCATION OF BOND REVENUES.--IN THE EVENT THAT BONDS  
4 ARE SOLD UNDER THE PROVISIONS OF THIS ACT, THE BOND PROCEEDS ARE  
5 TO BE ALLOCATED AS FOLLOWS:

6 (1) DEPARTMENT OF ENVIRONMENTAL RESOURCES. \$17,000,000

7 (2) DEPARTMENT OF COMMUNITY AFFAIRS:

8 (I) FOR GRANT PROGRAMS..... 13,000,000

9 (II) FOR LAND TRUSTS..... 3,000,000

10 (III) FOR ZOOS..... 3,500,000

11 (3) DEPARTMENT OF EDUCATION..... 2,500,000

12 (4) PENNSYLVANIA HISTORICAL AND MUSEUM  
13 COMMISSION..... 8,000,000

14 (5) PENNSYLVANIA FISH AND BOAT COMMISSION. 1,500,000

15 (6) PENNSYLVANIA GAME COMMISSION..... 1,500,000

16 (B) ALLOCATION OF REALTY TRANSFER TAX REVENUES.--REALTY  
17 TRANSFER TAX REVENUES TRANSFERRED TO THE FUND SHALL BE ALLOCATED  
18 AS FOLLOWS:

19 (1) DEPARTMENT OF ENVIRONMENTAL RESOURCES. 30%

20 (2) DEPARTMENT OF COMMUNITY AFFAIRS:

21 (I) FOR GENERAL PURPOSES..... 25%

22 (II) FOR LAND TRUSTS..... 10%

23 (3) DEPARTMENT OF EDUCATION..... 4%

24 (4) PENNSYLVANIA HISTORICAL AND MUSEUM  
25 COMMISSION..... 13%

26 (5) STATE SYSTEM OF HIGHER EDUCATION..... 18%

27 SECTION 13. WAIVERS.

28 (A) ONE-YEAR EXEMPTION FROM REVIEW.--IN ORDER TO FACILITATE  
29 THE SPEEDY IMPLEMENTATION OF THIS PROGRAM, THE AGENCIES SHALL  
30 HAVE THE POWER AND AUTHORITY TO PROMULGATE, ADOPT AND USE

1 GUIDELINES WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA  
2 BULLETIN. THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW PURSUANT  
3 TO SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),  
4 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, SECTIONS 204(B)  
5 AND 301(10) OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164),  
6 KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, OR THE ACT OF JUNE 25,  
7 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT,  
8 SHALL BE EFFECTIVE FOR A PERIOD NOT TO EXCEED ONE YEAR FROM THE  
9 EFFECTIVE DATE OF THIS ACT.

10 (B) EXPIRATION OF EXEMPTION.--AFTER THE EXPIRATION OF THE  
11 ONE-YEAR PERIOD ALL GUIDELINES SHALL EXPIRE AND SHALL BE  
12 REPLACED BY REGULATIONS WHICH SHALL HAVE BEEN PROMULGATED,  
13 ADOPTED AND PUBLISHED AS PROVIDED BY LAW.

14 SECTION 14. REPEALS.

15 ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE  
16 INCONSISTENT WITH THIS ACT.

17 SECTION 15. EFFECTIVE DATE.

18 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.