
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 862 Session of
1993

INTRODUCED BY REIBMAN, AFFLERBACH, LAVALLE, STAPLETON, O'PAKE,
MUSTO AND SCHWARTZ, MARCH 31, 1993

REFERRED TO STATE GOVERNMENT, MARCH 31, 1993

AN ACT

1 Providing for cultural facilities; establishing the Cultural
2 Facilities Advisory Board and providing for its powers and
3 duties; providing for a grant program; and providing for
4 additional duties of the Department of Community Affairs.

5 The General Assembly finds and declares that:

6 (1) There are many cultural facilities throughout this
7 Commonwealth which require extensive improvements, renovation
8 and repair.

9 (2) Many communities throughout this Commonwealth would
10 like to construct, improve, rehabilitate, expand and repair
11 cultural facilities but lack adequate funding to do so.

12 (3) There is a need to make the arts and humanities and
13 our rich historical legacy accessible to the residents of
14 this Commonwealth and visitors to this Commonwealth.

15 (4) It is essential that the Commonwealth promote
16 cultural activities and one of the primary means to do that
17 is through proper financing of construction and development
18 of new cultural facilities and restoration, repair,

1 rehabilitation, expansion and preservation of existing
2 cultural facilities.

3 (5) Cultural facilities provide community and regional
4 meeting places where residents of this Commonwealth can share
5 cultural programs and activities with one another and with
6 residents from other states.

7 (6) The protection and preservation of significant
8 cultural resources was a priority policy of Pennsylvania's
9 recreation plan for 1986 through 1990.

10 (7) Cultural facilities add to the enhancement of the
11 quality of life in a community or region.

12 (8) Cultural facilities are a key component of the
13 heritage of a community or region, the preservation of which
14 can stimulate economic development initiatives through
15 tourism, jobs and public and private investment
16 opportunities.

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

19 Section 1. Short title.

20 This act shall be known and may be cited as the Cultural
21 Facilities Act.

22 Section 2. Definitions.

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

26 "Board." The Cultural Facilities Advisory Board.

27 "Cultural facility." A building or physical location, owned
28 or controlled by a municipality or nonprofit organization, whose
29 primary purpose is the enlightenment and entertainment of the
30 public through the production, presentation, exhibition,

1 advancement or preservation of art, music, theater, dance, film,
2 history, natural history, history of science or technology and
3 the disciplines of the humanities.

4 "Department." The Department of Community Affairs of the
5 Commonwealth.

6 "Municipality." A county, city, borough, town, township or
7 home rule municipality of this Commonwealth.

8 "Nonprofit organization." An organization which holds a
9 ruling from the Internal Revenue Service that the organization
10 is exempt from income taxation under the provisions of the
11 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1
12 et seq.).

13 "Project." The costs associated with the acquisition,
14 construction, improvement, expansion, extension, repair or
15 rehabilitation of all or part of any cultural facility.

16 Section 3. Cultural Facilities Advisory Board.

17 (a) Establishment and membership.--There is hereby
18 established the Cultural Facilities Advisory Board, which shall
19 consist of 11 members. The Cultural Advisor to the Governor, the
20 presiding officer of the Commonwealth of Pennsylvania Council on
21 the Arts and the presiding officer of the Pennsylvania
22 Historical and Museum Commission shall be ex officio members.
23 Four members shall be appointed by the Governor. These four
24 members shall be representatives of cultural institutions or
25 organizations who have had at least five years' experience as
26 board members or staff members in the production, performance or
27 management of artistic, cultural, scientific or historical
28 activities in this Commonwealth. Four members shall be appointed
29 from the General Assembly. The Majority Leader of the Senate,
30 the Minority Leader of the Senate, the Majority Leader of the

1 House of Representatives and the Minority Leader of the House of
2 Representatives shall each appoint one of the members.

3 (b) Presiding officer.--The board shall select a presiding
4 officer from its members every two years.

5 (c) Terms.--The term of office of each appointed member
6 shall be four years or until his successor has been appointed.

7 (d) Vacancy.--A vacancy shall be filled for the unexpired
8 term in the same manner as the original appointment. A vacancy
9 may occur through resignation or removal.

10 (e) Attendance.--A member who fails to attend three
11 consecutive meetings shall forfeit his seat unless the presiding
12 officer of the board, upon request from the member, finds that
13 the member should be excused from a meeting for good cause. All
14 members of the board may designate a representative who will
15 attend the meetings of the board. The name of the designated
16 representative must be submitted to the board.

17 (f) Expenses.--Members shall receive no compensation but may
18 be reimbursed for reasonable travel, hotel and other necessary
19 expenses incurred in the performance of their duties in
20 accordance with the rules of the Executive Board.

21 Section 4. Powers and duties of board.

22 The board shall have and may exercise the following powers
23 and duties necessary to carry out and effectuate the purposes of
24 this act:

25 (1) Make recommendations to the department for:

26 (i) The development of policy guidelines to
27 implement the grant program.

28 (ii) The development of time frames to implement the
29 grant program.

30 (iii) The establishment of selection criteria to

1 award grants from the program.

2 (iv) The targeting of funds under the grant program.

3 (v) The definition of eligible project costs and
4 eligible matching costs and ratios for the grant program.

5 (2) Assist the department with the development of a
6 competitive application process and application requirements
7 for the grant program.

8 (3) Coordinate with other Federal and State agencies
9 that may impact on or be impacted by the grant program.

10 (4) Notify the department of other Federal or State
11 funds or programs that may be available to carry out the
12 purposes of this act or that may help to enhance cultural
13 programming in this Commonwealth.

14 (5) Evaluate the effectiveness of the program and make
15 recommendations to the department for improvements and
16 modifications.

17 Section 5. Powers and duties of department.

18 The department shall:

19 (1) In cooperation with the board, implement a
20 competitive application process containing application
21 requirements, time frames, selection criteria and eligibility
22 requirements for awarding funds under the program.

23 (2) Review all project applications and make project
24 selection decisions.

25 (3) Serve as the agency of the Commonwealth for the
26 receipt of moneys which are made available for cultural
27 facilities or activities from the Federal Government, other
28 public or private agencies or persons, or State funds
29 appropriated for such a purpose.

30 (4) Adopt rules and regulations or guidelines necessary

1 to implement and enforce this act.

2 (5) Coordinate with other Federal, State or departmental
3 programs that may impact on or be impacted by this purpose.

4 Section 6. Grant program.

5 (a) Implementation.--In coordination with the board, the
6 department shall implement a program of grants to municipalities
7 and nonprofit organizations to fund cultural facilities and
8 project costs, as defined in section 2.

9 (b) Feasibility projects.--The department may allocate a
10 portion of the available grant money each program year to fund
11 feasibility study projects.

12 (c) Grant limit.--No grant award shall exceed 20% of the
13 available grant money each program year.

14 (d) Number of grants.--No municipality or nonprofit
15 organization may receive more than one grant award each program
16 year.

17 (e) Minimum grant amount.--A minimum grant amount may be
18 established by the department and may be changed subject to the
19 availability of and demand for program funds.

20 (f) Fund matching.--Grants shall not exceed 50% of the total
21 eligible project cost and shall be matched with a combination of
22 non-State public funds and private funds.

23 Section 7. Funding.

24 (a) Source.--Grants approved by the department shall be
25 funded from appropriations made to the department for the
26 purposes of this act.

27 (b) Administration limit.--No more than 5% of the amount
28 appropriated shall be used by the department for administration
29 of this act and to provide technical assistance to
30 municipalities and nonprofit organizations for the purpose of

- 1 carrying out the provisions of this act.
- 2 Section 8. Effective date.
- 3 This act shall take effect in 120 days.