

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1491 Session of
1999

INTRODUCED BY McILHINNEY, ARGALL, BAKER, BARRAR, BASTIAN,
BATTISTO, CAPPABIANCA, CAWLEY, CLARK, CLYMER, M. COHEN,
DRUCE, FLICK, FREEMAN, GEORGE, GORDNER, HARHAI, HENNESSEY,
HERMAN, HERSHEY, HESS, JAMES, LAUGHLIN, MANDERINO, MARKOSEK,
MARSICO, MASLAND, McILHATTAN, PHILLIPS, PIPPY, SAYLOR,
SEMMELE, SEYFERT, STABACK, STERN, TANGRETTI, E. Z. TAYLOR,
TIGUE, TRAVAGLIO, TRELLO, WILT, YOUNGBLOOD, SCHRODER AND
VAN HORNE, MAY 11, 1999

REFERRED TO COMMITTEE ON APPROPRIATIONS, MAY 11, 1999

AN ACT

1 Amending the act of July 2, 1993 (P.L.359, No.50), entitled "An
2 act providing for the establishment, operation and
3 administration of the Keystone Recreation, Park and
4 Conservation Fund; designating a portion of the State Realty
5 transfer tax revenues as a funding source for the fund;
6 authorizing the incurring of indebtedness, with the approval
7 of the electorate, to provide funding for the acquisition of,
8 improvements to and the rehabilitation of parks, recreational
9 facilities, educational facilities, historic sites, zoos and
10 public libraries; imposing additional powers and duties on
11 the Department of Environmental Resources, the Department of
12 Community Affairs, the Department of Education, the
13 Pennsylvania Historical and Museum Commission, the State
14 System of Higher Education, the Pennsylvania Game Commission
15 and the Pennsylvania Fish and Boat Commission; requiring a
16 transfer from the Realty Transfer Tax Account in the General
17 Fund; and making an appropriation," providing for an
18 additional referendum to provide further bonds funds;
19 deleting the expiration of certain restrictions on issuing
20 bonds; providing for the allocation of additional bond
21 proceeds; and making editorial changes.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The title of the act of July 2, 1993 (P.L.359,

No.50), known as the Keystone Recreation, Park and Conservation Fund Act, is amended to read:

AN ACT

Providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of [Environmental Resources] Conservation and Natural Resources, the Department of [Community Affairs] Community and Economic Development, the Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund; and making an appropriation.

Section 2. The definition of "agency" in section 3 of the act is amended to read:

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:

* * *

"Agency." The Department of [Environmental Resources] Conservation and Natural Resources, the Department of [Community Affairs] Community and Economic Development, the Department of

1 Education, the Pennsylvania Historical and Museum Commission,
2 the State System of Higher Education, the Pennsylvania Fish and
3 Boat Commission and the Pennsylvania Game Commission of the
4 Commonwealth.

5 * * *

6 Section 3. Section 4(b) of the act is amended to read:

7 Section 4. Keystone Recreation, Park and Conservation Fund.

8 * * *

9 (b) Source of funds.--All proceeds from the sale of bonds or
10 notes as approved under section 5, section 5.1 and the monthly
11 transfer of a portion of the State Realty Transfer Tax shall
12 provide the necessary moneys for the fund.

13 * * *

14 Section 4. The act is amended by adding a section to read:

15 Section 5.1. Additional referendum.

16 (a) Question.--The question of incurring additional
17 indebtedness of \$50,000,000 for the purposes of planning,
18 acquisition, development, rehabilitation and improvement of
19 parks and recreational facilities, natural areas, historic
20 sites, zoos and libraries shall be submitted to the electors at
21 the next primary, municipal or general election following
22 enactment of this section.

23 (b) Certification.--The Secretary of the Commonwealth shall
24 certify the form of the question under subsection (c) to the
25 county boards of elections.

26 (c) Form of question.--The question shall be in
27 substantially the following form:

28 Do you favor the incurring of additional indebtedness by
29 the Commonwealth of \$50,000,000 to provide for the
30 funding of nature preserves and wildlife habitats and for

1 improvements to and expansion of State parks, community
2 parks and recreation facilities, historic sites, zoos and
3 public libraries?

4 (d) Election.--The election shall be conducted at the next
5 occurring general or municipal election following the effective
6 date of this section, in accordance with the act of June 3, 1937
7 (P.L.1333, No.320), known as the Pennsylvania Election Code,
8 except that the time limits for advertisement of notice of the
9 election may be waived as to the question.

10 (e) Proceeds.--Proceeds of borrowing shall be deposited in
11 the Keystone Recreation, Park and Conservation Fund and shall be
12 used to implement the provisions of this act.

13 Section 5. Section 6(a)(1) and (f) of the act are amended to
14 read:

15 Section 6. Commonwealth indebtedness.

16 (a) Borrowing authorized.--

17 (1) Subject to the approval of the electorate of the
18 referendum set forth in section 5 and section 5.1 and under
19 the provisions of section 7(a)(3) of Article VIII of the
20 Constitution of Pennsylvania, the issuing officials are
21 authorized and directed to borrow over a three-year period,
22 on the credit of the Commonwealth, money not exceeding in the
23 aggregate the sum of [\$50,000,000] \$100,000,000, not
24 including money borrowed to refund outstanding bonds, notes
25 or replacement notes, as may be found necessary to carry out
26 the purposes of this act.

27 * * *

28 (f) Expiration.--Authorization to issue bonds and notes, not
29 including refunding bonds and replacement notes, for the
30 purposes of this act shall [expire five years from the effective

1 date of this section] not expire.

2 Section 6. Section 8(b) and (c) of the act are amended and
3 the section is amended by adding a subsection to read:

4 Section 8. Duties, responsibilities and limitations on
5 agencies.

6 * * *

7 (b) Department of [Environmental Resources] Conservation and
8 Natural Resources.--

9 (1) The Department of [Environmental Resources]
10 Conservation and Natural Resources shall utilize bond
11 revenues for the following purposes:

12 (i) Rehabilitating, repairing and developing State
13 park and forest facilities deemed by the department to be
14 critical for visitor safety, environmental protection or
15 essential for facility operation. Not less than 70% of
16 the bond revenues will be used for these purposes.

17 (ii) Acquiring recreation areas and natural areas
18 which in the opinion of the department face imminent loss
19 or damage. Up to 30% of the bond revenues may be used for
20 this purpose.

21 (2) The department shall expend Realty Transfer Tax
22 revenues appropriated from the Keystone Fund for the
23 following purposes:

24 (i) Rehabilitating and upgrading State park and
25 forest facilities.

26 (ii) Implementing the act of December 18, 1990
27 (P.L.748, No.188), known as the Rails to Trails Act. Up
28 to 10% of the moneys can be provided as 50/50 matching
29 grants to municipalities and appropriate organizations
30 for planning, acquisition and development of rails to

trails.

(iii) Making 50/50 matching grants to municipalities and appropriate organizations for the purpose of rivers protection and conservation. Up to 10% of the moneys can be used for this purpose.

(iv) Acquiring lands important to maintaining the integrity of existing State parks and forests.

(c) Department of Community [Affairs] and Economic Development.--

(1) The Department of Community [Affairs] and Economic Development shall provide grants of bond revenues and realty transfer tax revenues to municipalities for the following purposes:

(i) To fund up to 50% of the eligible project costs for rehabilitation and development of outdoor and indoor recreation and park facilities and areas.

(ii) To pay up to 50% of the eligible project costs for acquisition of recreation and park lands, greenways and natural areas.

(iii) To pay up to 100% of the eligible project costs for planning projects and special technical assistance initiatives deemed appropriate by the department.

(iv) To provide municipalities with a population of 5,000 or less with up to 100% funding for eligible material costs and professional fees. Grants are limited to a maximum of \$20,000 for rehabilitation and development of basic outdoor recreation and park facilities and renovation of minor indoor recreation facilities.

(2) The Department of Community [Affairs] and Economic Development shall provide grants of bond revenues and realty transfer tax revenues to land trusts to pay up to 50% of eligible project costs for natural areas and open space planning and acquisition. Any land acquired under this paragraph shall be open to those public uses that are consistent with the purposes for which the land was acquired. Temporary limitation of public access for the purpose of protecting or restoring the natural resources of an area shall not be considered a violation of this paragraph. The Department of Community [Affairs] and Economic Development, in consultation with the Department of [Environmental Resources] Conservation and Natural Resources, shall adopt project selection criteria that give priority to acquisitions of critical habitat for rare, threatened or endangered plant or animal species or communities which are at risk of destruction or substantial degradation.

(3) The Department of Community [Affairs] and Economic Development shall provide grants of bond revenues and realty transfer tax revenues to municipalities and appropriate organizations to pay up to 50% of the eligible project costs for rehabilitation and development of zoos.

* * *

(k) Additional bond funds.--The proceeds of any bonds issued under section 5.1 shall be utilized in the manner provided in this section.

Section 7. Sections 9 and 12 of the act are amended to read:
Section 9. Annual reports.

Beginning on January 31, 1995, and annually thereafter, the Department of [Environmental Resources] Conservation and Natural

1 Resources, the Department of Community [Affairs] and Economic
2 Development, the Department of Education, the Pennsylvania
3 Historical and Museum Commission, the State System of Higher
4 Education, the Pennsylvania Fish and Boat Commission and the
5 Pennsylvania Game Commission shall submit to the Governor and
6 the General Assembly an annual report of projects and services
7 provided by funding from this act.

8 Section 12. Allocation from fund.

9 (a) Allocation of bond revenues.--In the event that bonds
10 are sold under the provisions of this act, the bond proceeds are
11 to be allocated as follows:

12 [(1) Department of Environmental
13 Resources..... \$17,000,000

14 (2) Department of Community Affairs:]

15 (1) Department of Conservation and Natural
16 Resources..... \$17,000,000

17 (2) Department of Community and Economic
18 Development:

19 (i) For grant programs..... 13,000,000

20 (ii) For land trusts..... 3,000,000

21 (iii) For zoos..... 3,500,000

22 (3) Department of Education..... 2,500,000

23 (4) Pennsylvania Historical and Museum
24 Commission..... 8,000,000

25 (5) Pennsylvania Fish and Boat Commission. 1,500,000

26 (6) Pennsylvania Game Commission..... 1,500,000

27 (a.1) Allocation of additional bond revenues.--In the event
28 that bonds are authorized under section 5.1 and sold under the
29 provisions of this act, the additional bond proceeds are to be
30 allocated as provided in subsection (a).

(b) Allocation of realty transfer tax revenues.--Realty transfer tax revenues transferred to the fund shall be allocated as follows:

[(1) Department of Environmental Resources.....	30%
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(2) Department of Community Affairs:]

<u>(1) Department of Conservation and Natural Resources.....</u>	<u>30%</u>
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<u>(2) Department of Community and Economic Development:</u>	
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(i) For general purposes.....	25%
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(ii) For land trusts.....	10%
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(3) Department of Education.....	4%
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(4) Pennsylvania Historical and Museum Commission.....	13%
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(5) State System of Higher Education.....	18%
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Section 8. This act shall take effect immediately.