

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **1256** Session of
2014

INTRODUCED BY WARD, HUTCHINSON, TOMLINSON, ARGALL, ROBBINS,
ERICKSON, BAKER, KASUNIC, YUDICHAK, SOLOBAY, WHITE, YAW,
ALLOWAY, BLAKE, VULAKOVICH, BRUBAKER, SCARNATI, McILHINNEY,
WOZNIAK, BROWNE AND MENSCH, FEBRUARY 19, 2014

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED,
JUNE 3, 2014

AN ACT

1 Establishing a Heritage Areas Program to identify, protect,
2 enhance and promote the historic, recreational, natural,
3 cultural and scenic resources of this Commonwealth and to
4 stimulate community revitalization and economic development
5 through regional heritage conservation, recreation, tourism
6 and partnerships; and making a related repeal.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Heritage
11 Areas Program Act.

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) The act of June 28, 1995 (P.L.89, No.18), known as
15 the Conservation and Natural Resources Act, created the
16 Department of Conservation and Natural Resources and
17 empowered the department to administer State heritage
18 conservation programs, such as the Pennsylvania Heritage

1 Parks Program.

2 (2) The Pennsylvania Heritage Parks Program consists of
3 heritage areas, which are multicounty regions located in this
4 Commonwealth and designated by gubernatorial action that
5 promotes an appreciation of the history and heritage of the
6 regions.

7 (3) Since 1989, heritage areas assist communities in
8 developing, restoring, preserving and conserving nationally,
9 State and locally significant historic, cultural, natural and
10 recreational resources through capital and programmatic
11 investments.

12 (4) Heritage areas have successfully demonstrated the
13 ability to create public, private and nonprofit investment
14 partnerships leveraging significant investments for every
15 dollar of Commonwealth funds.

16 (5) Heritage areas are a key catalyst in regions of this
17 Commonwealth for economic growth and community development
18 strategies and investments resulting in tourism promotion,
19 small business development and the creation of jobs.

20 (6) The Commonwealth's program has long been recognized,
21 studied and replicated by other states and the National Park
22 Service as a model for successful heritage and community
23 conservation and development.

24 (7) Due to the success of the program, a targeted effort
25 should be made to promote this Commonwealth's heritage areas
26 by providing dedicated funding.

27 Section 3. Definitions.

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

1 ~~"Committee." The Heritage Partnerships Advisory Committee.~~ <--

2 "Department." The Department of Conservation and Natural
3 Resources of the Commonwealth.

4 "Heritage areas." Commonwealth-designated regions, managed
5 by nonprofit organizations or governmental entities, which
6 conserve nationally and State significant landscapes and
7 develop, protect, interpret and promote their historic,
8 cultural, natural and recreational resources to stimulate
9 economic and community development.

10 "Program." The Heritage Areas Program.

11 "Secretary." The Secretary of Conservation and Natural
12 Resources of the Commonwealth.

13 Section 4. Heritage Areas Program.

14 (a) Establishment.--The Heritage Areas Program is
15 established within the department to identify, protect, develop,
16 enhance and promote the historic, recreational, natural,
17 cultural and scenic resources of this Commonwealth and to
18 stimulate community revitalization and economic development
19 through regional heritage conservation, recreation, tourism and
20 partnerships.

21 (b) Administration.--The department shall adopt PROGRAM <--
22 GOALS, guidelines and policies for the implementation and
23 administration of the program ~~with input from the nonprofit~~ <--
24 ~~organizations or governmental entities that manage the heritage~~
25 ~~areas.~~ THE DEPARTMENT SHALL CONSULT WITH THE HERITAGE AREAS ON <--
26 AN ANNUAL BASIS TO DISCUSS PROGRAM GOALS, GUIDELINES AND
27 POLICIES.

28 (c) Funding.--The department shall, under subsection (f),
29 allocate funds appropriated to the department to the program for
30 the following purposes:

1 (1) Management, administration, operation and marketing
2 of heritage areas.

3 (2) Planning, implementation, technical assistance and
4 educational projects and programs related to heritage areas.

5 (3) Development, construction, rehabilitation, repair,
6 acquisition, preservation and enhancement of lands, buildings
7 and other structures related to heritage areas.

8 (4) Protection, documentation, interpretation and
9 promotion of the cultural, natural, scenic, recreational and
10 historic resources of heritage areas.

11 (5) Establishment of partnerships and coalitions of
12 governmental and nongovernmental agencies and organizations
13 to assist heritage areas with the implementation of
14 management action plans.

15 (6) Any other activities deemed appropriate by the
16 department.

17 (d) Use.--A heritage area may use the funding allocated by
18 the department FOR THE PROGRAM to provide a grant ~~and loan~~ to <--
19 another entity and organization, including a county,
20 municipality, authority, nonprofit organization, other
21 authorized organization, private sector firm and business, if
22 the purpose of the grant ~~or loan~~ meets the requirements of <--
23 subsection (c).

24 (e) Eligibility.--In addition to any other funding provided
25 to a heritage area, a heritage area shall be eligible to apply
26 for a grant and loan program administered by the department or
27 other Federal or State agency or entity.

28 ~~(f) Amount. The department shall allocate all funds~~ <--
29 ~~appropriated annually by the General Assembly for the program in~~
30 ~~equal amounts to each State designated heritage area.~~

1 (F) AMOUNT.--

<--

2 (1) THE DEPARTMENT SHALL DISTRIBUTE FUNDS TO THE PROGRAM
3 BASED ON ESTABLISHED PROGRAM GOALS, GUIDELINES AND POLICIES.

4 (2) THE DEPARTMENT SHALL ALLOCATE ALL FUNDS APPROPRIATED
5 ANNUALLY BY THE GENERAL ASSEMBLY FOR THE PROGRAM AND EACH
6 STATE-DESIGNATED HERITAGE AREA SHALL RECEIVE A MINIMUM AMOUNT
7 ESTABLISHED BY THE PROGRAM GOALS, GUIDELINES AND POLICIES.

8 (g) Administrative use.--The department may use no more than
9 5% of the funding appropriated annually for the program for
10 administrative purposes, including the development of a
11 strategic plan or other appropriate initiative related to the
12 administration of the program.

13 ~~Section 5. Heritage Partnerships Advisory Committee.~~

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14 ~~(a) Establishment. The department shall establish a~~
15 ~~Heritage Partnerships Advisory Committee to provide cooperation~~
16 ~~and coordination among other Commonwealth agencies, commissions~~
17 ~~and organizations to promote heritage areas in this~~
18 ~~Commonwealth.~~

19 ~~(b) Composition. The committee shall consist of the~~
20 ~~following members:~~

21 ~~(1) Six members to be appointed by the Governor as~~
22 ~~follows:~~

23 ~~(i) The secretary or the secretary's designee.~~

24 ~~(ii) The Secretary of Community and Economic~~
25 ~~Development or the secretary's designee.~~

26 ~~(iii) The Secretary of Transportation or the~~
27 ~~secretary's designee.~~

28 ~~(iv) One member from the Pennsylvania Historical and~~
29 ~~Museum Commission.~~

30 ~~(v) One member from a heritage area.~~

1 ~~(vi) One member from the Center for Rural~~
2 ~~Pennsylvania.~~

3 ~~(vii) One member from Preservation Pennsylvania.~~

4 ~~(2) Four members of the General Assembly as follows:~~

5 ~~(i) The chairman and minority chairman of the~~
6 ~~Community, Economic and Recreational Development~~
7 ~~Committee of the Senate.~~

8 ~~(ii) The chairman and minority chairman of the~~
9 ~~Tourism and Recreational Development Committee of the~~
10 ~~House of Representatives.~~

11 ~~(c) Chair. The secretary or the secretary's designee shall~~
12 ~~chair the committee and shall appoint a vice chairman to chair a~~
13 ~~committee meeting in the absence of the secretary or the~~
14 ~~secretary's designee. The secretary shall inform the Governor if~~
15 ~~a vacancy occurs.~~

16 ~~(d) Terms.—~~

17 ~~(1) The secretary or the secretary's designee shall~~
18 ~~serve ex officio.~~

19 ~~(2) The following shall apply:~~

20 ~~(i) A member of the Senate and the House of~~
21 ~~Representatives shall serve a two year term which shall~~
22 ~~run concurrently with the term of the legislative~~
23 ~~session.~~

24 ~~(ii) Except for a member under subparagraph (i), a~~
25 ~~member of the committee initially appointed by the~~
26 ~~Governor shall continue in office for terms of two or~~
27 ~~three years from the date of appointment, as designated~~
28 ~~by the Governor at the time of the appointment.~~

29 ~~(3) A successor member of the committee shall be~~
30 ~~appointed for a term of three years.~~

1 ~~(4) If a vacancy occurs on the committee, the Governor~~
2 ~~shall appoint a successor to serve the duration of the~~
3 ~~unexpired term. A person appointed to fill a vacancy for a~~
4 ~~period of less than two years may be eligible for appointment~~
5 ~~to a full three year term. A member who serves a full term or~~
6 ~~fills a vacancy for a period of two years or more shall not~~
7 ~~be eligible for reappointment until a period of three years~~
8 ~~expires.~~

9 ~~(e) Compensation. A member shall:~~

10 ~~(1) Except as provided under paragraph (2), serve~~
11 ~~without compensation.~~

12 ~~(2) Receive reimbursement for a reasonable and necessary~~
13 ~~expense incurred in connection with the performance of the~~
14 ~~member's duties.~~

15 ~~(f) Meeting and quorum. The committee shall meet at least~~
16 ~~quarterly and at any other time designated by the secretary. A~~
17 ~~meeting may be held anywhere within this Commonwealth. A~~
18 ~~majority of the members of the committee shall constitute a~~
19 ~~quorum for the transaction of business at a meeting.~~

20 ~~(g) Responsibilities. The committee shall provide the~~
21 ~~following:~~

22 ~~(1) Expertise on a program and issue related to a~~
23 ~~member's respective agency or organization as it relates to~~
24 ~~the program.~~

25 ~~(2) Assistance in obtaining additional funds through~~
26 ~~grants and loans available from the Federal Government,~~
27 ~~Commonwealth agencies and other sources.~~

28 ~~(3) Coordination of funding of an application for a~~
29 ~~project and program to maximize the leveraging of State funds~~
30 ~~and the efficiency of State spending.~~

1 ~~(4) Technical assistance and guidance to the department~~
2 ~~and each heritage area.~~

3 ~~(h) Promotion. Members of the committee are encouraged to~~
4 ~~incorporate and promote heritage areas within the mission, goal~~
5 ~~and priority of the member's respective agencies and~~
6 ~~organizations and throughout this Commonwealth.~~

7 Section ~~20~~ 5. Repeal and continuation. <--

8 (a) Repeal.--Repeals are as follows:

9 (1) The General Assembly declares that the repeal under
10 paragraph (2) is necessary to effectuate this act.

11 (2) Article XVI-J of the act of April 9, 1929 (P.L.343,
12 No.176), known as The Fiscal Code, is repealed.

13 (b) Continuation.--This act is a continuation of Article
14 XVI-J of The Fiscal Code. Except as otherwise provided in this
15 act, all activities initiated under Article XVI-J of The Fiscal
16 Code shall continue and remain in full force and effect and may
17 be completed under this act. Orders, regulations, rules and
18 decisions which were made under Article XVI-J of The Fiscal Code
19 and which are in effect on the effective date of subsection (a)
20 (2) shall remain in full force and effect until revoked, vacated
21 or modified under this act. Contracts, obligations and
22 collective bargaining agreements entered into under Article XVI-
23 J of The Fiscal Code are not affected nor impaired by the repeal
24 of Article XVI-J of The Fiscal Code.

25 Section ~~21~~ 6. Effective date. <--

26 This act shall take effect immediately.