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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1106 Session of  
2015

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INTRODUCED BY BENNINGHOFF, COHEN, GABLER, GODSHALL, HANNA,  
A. HARRIS, IRVIN, KLUNK, MURT, PEIFER AND EVERETT,  
MAY 6, 2015

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 6, 2015

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AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An  
2 act creating the Department of Conservation and Natural  
3 Resources consisting of certain functions of the Department  
4 of Environmental Resources and the Department of Community  
5 Affairs; renaming the Department of Environmental Resources  
6 as the Department of Environmental Protection; defining the  
7 role of the Environmental Quality Board in the Department of  
8 Environmental Protection; making changes to responsibilities  
9 of the State Conservation Commission and the Department of  
10 Agriculture; transferring certain powers and duties to the  
11 Department of Health; and repealing inconsistent acts," in  
12 Department of Conservation and Natural Resources, further  
13 providing for forests, for parks and for fees and charges.

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

16 Section 1. Sections 302(b)(1), 303(a)(4) and 314 of the act  
17 of June 28, 1995 (P.L.89, No.18), known as the Conservation and  
18 Natural Resources Act, is amended to read:

19 Section 302. Forests.

20 \* \* \*

21 (b) Utilization and protection.--The department has the  
22 following powers and duties with respect to the utilization and

1 protection of State forest lands:

2 (1) To lease for a period not exceeding ten years, on  
3 terms and conditions as it may consider reasonable, to any  
4 person, corporation, association, church organization or  
5 school board of this Commonwealth, such portion of any State  
6 forest, whether owned or leased by the Commonwealth, as the  
7 department may consider suitable, as a site for buildings and  
8 facilities to be used by such person, corporation,  
9 association, church organization or school board for health  
10 and recreation, or as a site for a church or school purposes.  
11 However, the department may, with the approval of the  
12 Governor, if a substantial capital investment is involved and  
13 if it is deemed in the best interests of this Commonwealth,  
14 enter into such leases for a period not to exceed 35 years.  
15 The department shall not terminate the lease of a person  
16 whose cabin has been destroyed or seriously damaged by fire,  
17 storm, flood or other natural causes and shall permit the  
18 rebuilding of such cabin. The department shall permit persons  
19 holding leases to renovate or make additions to existing  
20 cabins with the approval of the department. A devise of a  
21 lease is subject to the following:

22 (i) Within 90 days of the probate of the will, the  
23 issuance of letters of administration or any petition for  
24 disposition of decedents estates independent of the  
25 issuance of letters testamentary or of administration, a  
26 devisee must submit:

27 (A) Written notification of the devise.

28 (B) A written request for assignment of lease.

29 (ii) A devisee's failure to submit proper notice and  
30 request shall result in termination of the lease.

1           (iii) If a devisee is a nonresident of this  
2           Commonwealth, the devisee shall pay to the Bureau of  
3           Forestry an annual nonresident rental fee to be  
4           determined by the department. Fees imposed under this  
5           subparagraph shall be administered in accordance with  
6           section 314(b).

7           (iv) A nonresident devisee may not devise, sell or  
8           assign the lease to a nonresident of this Commonwealth.  
9           The devise, sale or assignment of a lease by a  
10           nonresident to another nonresident shall result in  
11           termination of the lease.

12           \* \* \*

13 Section 303. Parks.

14           (a) Powers and duties enumerated.--The department shall have  
15 the following powers and duties with respect to parks:

16           \* \* \*

17           (4) To lease for a period not to exceed ten years, on  
18 such terms as may be considered reasonable, to any person,  
19 corporation, association or organization of this Commonwealth  
20 a portion of any State park, whether owned or leased by the  
21 Commonwealth, as may be suitable as a site for buildings and  
22 facilities to be used for health, recreational or educational  
23 purposes, or for parking areas or concessions for the  
24 convenience and comfort of the public. However, the  
25 department may, with the approval of the Governor, if a  
26 substantial capital investment is involved and if it is  
27 deemed in the best interests of the Commonwealth, enter into  
28 such leases for a period of not more than 35 years. A devise  
29 of a lease is subject to the following:

30           (i) Within 90 days of the probate of the will, the

1 issuance of letters of administration or any petition for  
2 disposition of decedents estates independent of the  
3 issuance of letters testamentary or of administration, a  
4 devisee must submit:

5 (A) Written notification of the devise.

6 (B) A written request for assignment of lease.

7 (ii) A devisee's failure to submit proper notice and  
8 request shall result in termination of the lease.

9 (iii) If a devisee is a nonresident of this  
10 Commonwealth, the devisee shall pay to the Bureau of  
11 Forestry an annual nonresident rental fee to be  
12 determined by the department. Fees imposed under this  
13 subparagraph shall be administered in accordance with  
14 section 314(a).

15 (iv) A nonresident devisee may not devise, sell or  
16 assign the lease to a nonresident of this Commonwealth. The  
17 devise, sale or assignment of a lease by a nonresident to  
18 another nonresident shall result in termination of the lease.

19 \* \* \*

20 Section 314. Fees and charges.

21 (a) General rule.--Whenever the department imposes fees or  
22 charges for activities, admissions, uses or privileges,  
23 including charges for concessions, at or relating to State  
24 parks, such charges or fees shall be used solely for the  
25 acquisition, maintenance, operation or administration of the  
26 State park system and are hereby appropriated for such purposes.  
27 The department shall not adopt or impose any charges or fees for  
28 parking or general admission to State parks unless the charges  
29 were imposed prior to January 1, 1995. The department may  
30 continue to impose and modify parking charges and fees

1 applicable to specific services or units within the State park  
2 system which were imposed prior to January 1, 1995, and may  
3 impose charges or fees for admission to and for use of specific  
4 services and facilities in State parks. The department shall  
5 continue to exercise the powers previously vested in the  
6 Environmental Quality Board regarding the imposition of fees and  
7 charges for State parks and State forests.

8 (b) Nonresident rental fees.--Whenever the department  
9 imposes nonresident rental fees at or relating to State forests  
10 under section 302(b)(1)(iii), such fees shall be used solely for  
11 the acquisition, maintenance, operation or administration of the  
12 State forest system and are hereby appropriated for such  
13 purposes.

14 Section 2. This act shall take effect in 60 days.