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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2013 Session of  
2015

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INTRODUCED BY ELLIS, P. COSTA, STURLA, THOMAS, SANTORA, MILLARD,  
D. COSTA, MUSTIO, SANKEY, KILLION, GERGELY, MAHONEY, GIBBONS,  
DIAMOND, DeLUCA, A. HARRIS, PEIFER, PHILLIPS-HILL,  
OBERLANDER, SAYLOR, IRVIN, WARD, RADER, GINGRICH, CORBIN,  
KOTIK, SIMMONS, GROVE, ORTITAY, MATZIE, ROTHMAN, EVERETT,  
PICKETT, KLUNK, NESBIT, STAATS, JAMES, QUIGLEY, ADOLPH,  
MENTZER, GABLER, WATSON, KAMPF, SACCONI, SONNEY, METCALFE,  
BIZZARRO, REGAN, MARSICO, KNOWLES, TOOHIL, HICKERNELL,  
TOPPER, LAWRENCE, COX, SCHLOSSBERG AND BLOOM, APRIL 21, 2016

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REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
APRIL 21, 2016

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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 National Resources, providing  
13 for development of recreational, lodging and ancillary  
14 facilities; and providing for Public-Private State Park  
15 Partnership Board.

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

18 Section 1. The act of June 28, 1995 (P.L.89, No.18), known  
19 as the Conservation and Natural Resources Act, is amended by  
20 adding by a section to read:

1 Section 304.1. Development of recreational, lodging and  
2 ancillary facilities.

3 (a) General rule.--Upon approval by the board of an offer or  
4 plan submitted by a third party under section 705(5), the  
5 department may enter into a contract with a third party for the  
6 development, financing, construction and operation of additional  
7 recreational, lodging and ancillary facilities in State parks. A  
8 contract may authorize both direct and subsidiary investment  
9 arrangements.

10 (b) Term of contracts.--The term of a contract under  
11 subsection (a) may not exceed a period of 25 years, at which  
12 time the full title to the additional recreational, lodging and  
13 ancillary facilities shall vest with the Commonwealth, except as  
14 otherwise provided by the board.

15 (c) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection unless the context clearly indicates otherwise:

18 "Additional recreational, lodging and ancillary facilities."  
19 Hotels, inns, restaurants, amusement or water parks, outdoor  
20 sports facilities, golf courses, swimming pools or other public  
21 recreational facilities, office buildings or maintenance  
22 structures or facilities.

23 "Board." The Public-Private State Park Partnership Board  
24 established under section 702(a).

25 "Third party." A person, entity, group, corporation or  
26 organization that is not the Federal Government, the  
27 Commonwealth, a political subdivision or municipal authority.

28 Section 2. The act is amended by adding a chapter to read:

29 CHAPTER 7

30 PUBLIC-PRIVATE STATE PARK PARTNERSHIP BOARD

1 Section 701. Definitions.

2 The following words and phrases when used in this chapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Board." The Public-Private State Park Partnership Board  
6 established under section 702(a).

7 "Member." An individual appointed to the board in accordance  
8 with this chapter.

9 "Third party." A person, entity, group, corporation or  
10 organization that is not the Federal Government, the  
11 Commonwealth, a political subdivision or municipal authority.

12 Section 702. Public-Private State Park Partnership Board  
13 established.

14 (a) Establishment.--The Public-Private State Park  
15 Partnership Board shall be established within the department.

16 (b) Composition.--The board shall be composed of the  
17 following members:

18 (1) The secretary, who shall be the chairperson of the  
19 board, or the secretary's designee who shall be an employee  
20 of the department.

21 (2) The Secretary of Community and Economic Development,  
22 or a designee of the Secretary of Community and Economic  
23 Development, who shall be an employee of the Department of  
24 Community and Economic Development.

25 (3) Six members appointed by the General Assembly as  
26 specified under subsection (c).

27 (4) One member appointed by the Governor as specified  
28 under subsection (d).

29 (c) Legislative appointments.--The following apply:

30 (1) Appointments of members by the General Assembly

1 shall be made as follows:

2 (i) Two individuals appointed by the President pro  
3 tempore of the Senate.

4 (ii) One individual appointed by the Minority Leader  
5 of the Senate.

6 (iii) Two individuals appointed by the Speaker of  
7 the House of Representatives.

8 (iv) One individual appointed by the Minority Leader  
9 of the House of Representatives.

10 (2) Legislative appointees shall be residents of this  
11 Commonwealth and serve at the pleasure of the appointing  
12 authority.

13 (d) Gubernatorial appointment.--A member appointed under  
14 subsection (b) (4):

15 (1) may not hold any other position as an elected  
16 official or employee of the Commonwealth;

17 (2) shall be a resident of this Commonwealth; and

18 (3) shall serve at the pleasure of the Governor.

19 Section 703. Terms of members.

20 (a) Terms.--Members shall serve a term as follows:

21 (1) Members appointed under section 702(c) shall serve a  
22 term of two years and the term shall run concurrently with  
23 the term of the legislative session.

24 (2) The member appointed under section 702(d) shall  
25 serve a term of four years and the term shall run  
26 concurrently with the term of the appointing Governor.

27 (3) The secretary or the secretary's designee shall  
28 serve a term of four years and the term shall run  
29 concurrently with the secretary's service in office.

30 (4) The Secretary of Community and Economic Development

1 or the designee of the Secretary of Community and Economic  
2 Development shall serve a term of four years and the term  
3 shall run concurrently with the secretary's service in  
4 office.

5 (b) Initial appointment and vacancy.--Appointing authorities  
6 shall appoint initial members within 30 days of the effective  
7 date of this section. Whenever a vacancy occurs on the board,  
8 the appointing authority shall appoint a successor member within  
9 30 days of the vacancy.

10 (c) Quorum.--Five members of the board shall constitute a  
11 quorum. The adoption of a resolution or other action of the  
12 board shall require a majority vote of the members.

13 Section 704. Compensation and financial interests.

14 (a) Compensation.--Members may not receive compensation for  
15 the performance of their duties on the board, but shall be  
16 entitled to reimbursement by the department for all necessary  
17 and reasonable expenses incurred in connection with the  
18 performance of their duties on the board.

19 (b) Financial interests.--No member, during the member's  
20 term of office, shall directly or indirectly own, have any  
21 significant financial interest in, be associated with or receive  
22 any fee, commission, compensation or anything of value from any  
23 private entity seeking to engage in a third-party contract with  
24 the department. The provisions of this subsection shall not  
25 apply to the salary of a Commonwealth employee.

26 Section 705. Duties of board.

27 The board shall have the following duties:

28 (1) Meeting as often as necessary but at least annually.

29 (2) Adopting guidelines establishing the procedure by  
30 which a third party may submit a plan for additional

1 recreational, lodging or ancillary facilities at State parks.

2 (3) Conducting an inventory of existing State park  
3 assets and issuing recommendations where additional  
4 recreational, lodging and ancillary facilities in State parks  
5 can be developed to the benefit of the general public.

6 (4) Soliciting from third parties the submission of  
7 offers or plans for additional recreational, lodging and  
8 ancillary facilities in State parks.

9 (5) Evaluating and, when the board finds that offers or  
10 plans by third parties for additional recreational, lodging  
11 and ancillary facilities at State parks are in the best  
12 interests of this Commonwealth, approving the offers or plans  
13 by adopting a resolution.

14 (6) Submitting an annual report to the General Assembly  
15 detailing all additional recreational, lodging and ancillary  
16 facilities in State parks evaluated and resolutions adopted.

17 Section 706. Operation of board.

18 (a) Technical assistance.--The department shall supply all  
19 necessary assistance to the board in carrying out its duties and  
20 responsibilities, including retention of legal, financial and  
21 technical consultants to assist with this role.

22 (b) Analysis.--The department shall provide a detailed  
23 analysis of an offer or plan for additional recreational,  
24 lodging and ancillary facilities at State parks to the board  
25 before approval by the board under section 705(5).

26 (c) Oversight.--The department shall retain oversight and  
27 monitor additional recreational, lodging and ancillary  
28 facilities in State parks, including periodic reports to the  
29 board, as necessary.

30 Section 707. Applicability.

1 The following acts shall apply to the board:

2 (1) The act of February 14, 2008 (P.L.6, No.3), known as  
3 the Right-to-Know Law.

4 (2) The act of July 19, 1957 (P.L.1017, No.451), known  
5 as the State Adverse Interest Act.

6 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to  
7 open meetings) and 11 (relating to ethics standards and  
8 financial disclosure).

9 Section 3. This act shall take effect in 90 days.