

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2013** Session of
2015

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, 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, HICKERNELL, TOPPER, LAWRENCE, COX, SCHLOSSBERG, BLOOM, TOOHL, M. K. KELLER, MACKENZIE, GODSHALL, REESE, MOUL, WENTLING, MULLERY, MAJOR, DAVIS, KAUFFMAN, BENNINGHOFF, WHEELAND, SCHLEGEL CULVER, HELM AND MARSHALL, APRIL 21, 2016

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 21, 2016

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

1 as the Conservation and Natural Resources Act, is amended by
2 adding by a section to read:

3 Section 304.1. Development of recreational, lodging and
4 ancillary facilities.

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

12 (b) Term of contracts.--The term of a contract under
13 subsection (a) may not exceed a period of 25 years, at which <--
14 time. UPON EXPIRATION OF THE CONTRACT, THE DEPARTMENT MAY RENEW <--
15 THE CONTRACT WITH THE THIRD PARTY FOR A PERIOD NOT TO EXCEED 25
16 YEARS. IF THE DEPARTMENT OPTS NOT TO RENEW THE CONTRACT AFTER
17 THE EXPIRATION OF THE CONTRACT, the full title to the additional
18 recreational, lodging and ancillary facilities shall vest with
19 the Commonwealth, except as otherwise provided by the board.

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

23 "Additional recreational, lodging and ancillary facilities."
24 Hotels, inns, restaurants, amusement or water parks, outdoor
25 sports facilities, golf courses, swimming pools or other public
26 recreational facilities, office buildings or maintenance
27 structures or facilities.

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

30 "Third party." A person, entity, group, corporation or

1 organization that is not the Federal Government, the
2 Commonwealth, a political subdivision or municipal authority.

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

4 CHAPTER 7

5 PUBLIC-PRIVATE STATE PARK PARTNERSHIP BOARD

6 Section 701. Definitions.

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

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

12 "Member." An individual appointed to the board in accordance
13 with this chapter.

14 "SIGNIFICANT FINANCIAL INTEREST." ANY FINANCIAL INTEREST IN <--
15 A LEGAL ENTITY ENGAGED IN BUSINESS FOR PROFIT WHICH COMPRISES
16 MORE THAN 5% OF THE EQUITY OF THE BUSINESS OR MORE THAN 5% OF
17 THE ASSETS OF THE ECONOMIC INTEREST IN INDEBTEDNESS.

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

21 Section 702. Public-Private State Park Partnership Board
22 established.

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

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

27 (1) ~~The secretary, who shall be the chairperson of the~~ <--
28 ~~board,~~ or the secretary's designee who shall be an employee
29 of the department. THE SECRETARY OR THE SECRETARY'S DESIGNEE <--
30 SHALL BE THE CHAIRPERSON OF THE BOARD.

1 (2) The Secretary of Community and Economic Development,
2 or a designee of the Secretary of Community and Economic
3 Development, who shall be an employee of the Department of
4 Community and Economic Development.

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

7 (4) One member appointed by the Governor as specified
8 under subsection (d).

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

10 (1) Appointments of members by the General Assembly
11 shall be made as follows:

12 (i) Two individuals appointed by the ~~President pro~~ <--
13 ~~tempore~~ MAJORITY LEADER of the Senate, ONE OF WHOM SHALL <--
14 BE FROM THE CAMPING OR OUTDOOR RECREATION SECTOR.

15 (ii) One individual appointed by the Minority Leader
16 of the Senate.

17 (iii) Two individuals appointed by the ~~Speaker~~ <--
18 MAJORITY LEADER of the House of Representatives, ONE OF <--
19 WHOM SHALL BE FROM THE CAMPING OR OUTDOOR RECREATION
20 SECTOR.

21 (iv) One individual appointed by the Minority Leader
22 of the House of Representatives.

23 (2) Legislative appointees shall be residents of this
24 Commonwealth and serve at the pleasure of the appointing
25 authority.

26 (d) Gubernatorial appointment.--A member appointed under
27 subsection (b) (4):

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

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

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

2 Section 703. Terms of members.

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

4 (1) Members appointed under section 702(c) shall serve a
5 term of two years and the MAXIMUM OF THREE TERMS OF TWO YEARS <--
6 AND EACH term shall run concurrently with the term of the
7 legislative session.

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

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

14 (4) The Secretary of Community and Economic Development
15 or the designee of the Secretary of Community and Economic
16 Development shall serve a term of four years and the term
17 shall run concurrently with the secretary's service in
18 office.

19 (b) Initial appointment and vacancy.--Appointing authorities
20 shall appoint initial members within 30 days of the effective
21 date of this section. Whenever a vacancy occurs on the board,
22 the appointing authority shall appoint a successor member within
23 30 days of the vacancy.

24 (c) Quorum.--Five members of the board shall constitute a
25 quorum. The adoption of a resolution or other action of the
26 board shall require a majority vote of the members- SERVING ON <--
27 THE BOARD, REGARDLESS OF WHETHER OR NOT ALL OF THE MEMBERS ARE
28 PRESENT FOR THE VOTE ON THE RESOLUTION OR OTHER ACTION.

29 Section 704. Compensation and financial interests.

30 (a) Compensation.--Members may not receive compensation for

1 the performance of their duties on the board, but shall be
2 entitled to reimbursement by the department for all necessary
3 and reasonable expenses incurred in connection with the
4 performance of their duties on the board.

5 (b) Financial interests.--No member, during the member's
6 term of office, shall directly or indirectly own, have any
7 significant financial interest in, be associated with or receive
8 any fee, commission, compensation or anything of value from any
9 private entity seeking to engage in a third-party contract with
10 the department. ~~The provisions of this subsection shall not~~ <--
11 apply to the salary of a Commonwealth employee.

12 Section 705. Duties of board.

13 The board shall have the following duties:

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

15 (2) Adopting guidelines establishing the procedure by
16 which a third party may submit a plan for additional
17 recreational, lodging or ancillary facilities at State parks.

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

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

25 (5) Evaluating and, when the board finds that offers or
26 plans by third parties for additional recreational, lodging
27 and ancillary facilities at State parks are in the best
28 interests of this Commonwealth, approving the offers or plans
29 by adopting a resolution.

30 (6) Submitting an annual report to the General Assembly

1 detailing all additional recreational, lodging and ancillary
2 facilities in State parks evaluated and resolutions adopted.

3 (7) EVALUATING THE IMPACT OF ADDITIONAL RECREATIONAL, <--
4 LODGING AND ANCILLARY FACILITIES IN STATE PARKS ON CAMPING,
5 RECREATIONAL AND LODGING FACILITIES CONDUCTED IN THE PRIVATE
6 SECTOR IN THE VICINITY OF STATE PARKS. THE RESULTS OF THE
7 EVALUATION UNDER THIS PARAGRAPH SHALL BE CONSIDERED BY THE
8 BOARD BEFORE THE BOARD APPROVES ANY OFFERS OR PLANS SUBMITTED
9 BY THIRD PARTIES UNDER PARAGRAPH (5).

10 Section 706. Operation of board.

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

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

19 (c) Oversight.--The department shall retain oversight and
20 monitor additional recreational, lodging and ancillary
21 facilities in State parks, including periodic reports to the
22 board, as necessary.

23 Section 707. Applicability.

24 The following acts shall apply to the board:

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

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

29 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
30 open meetings) and 11 (relating to ethics standards and

1 financial disclosure).

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