

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2013 Session of 2015

INTRODUCED BY ELLIS, P. COSTA, STURLA, SANTORA, MILLARD, D. COSTA, SANKEY, KILLION, GERGELY, MAHONEY, GIBBONS, DIAMOND, DeLUCA, A. HARRIS, PEIFER, PHILLIPS-HILL, OBERLANDER, SAYLOR, IRVIN, WARD, GINGRICH, KOTIK, SIMMONS, GROVE, ORTITAY, MATZIE, ROTHMAN, EVERETT, PICKETT, KLUNK, NESBIT, STAATS, JAMES, QUIGLEY, ADOLPH, MENTZER, GABLER, KAMPF, SACCONI, SONNEY, METCALFE, BIZZARRO, REGAN, MARSICO, KNOWLES, HICKERNELL, TOPPER, LAWRENCE, TOOHL, MACKENZIE, GODSHALL, REESE, MOUL, WENTLING, MAJOR, DAVIS, KAUFFMAN, BENNINGHOFF, WHEELAND, SCHLEGEL CULVER, HELM, MUSTIO AND BLOOM, APRIL 21, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 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 ~~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 PILOT PROGRAM.~~ <--

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

1 adding by a section CHAPTER to read:

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

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

11 ~~(b) Term of contracts. The term of a contract under~~
12 ~~subsection (a) may not exceed a period of 25 years. Upon~~
13 ~~expiration of the contract, the department may renew the~~
14 ~~contract with the third party for a period not to exceed 25~~
15 ~~years. If the department opts not to renew the contract after~~
16 ~~the expiration of the contract, the full title to the additional~~
17 ~~recreational, lodging and ancillary facilities shall vest with~~
18 ~~the Commonwealth, except as otherwise provided by the board.~~

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

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

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

29 ~~"Third party." A person, entity, group, corporation or~~
30 ~~organization that is not the Federal Government, the~~

1 ~~Commonwealth, a political subdivision or municipal authority.~~

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

3 CHAPTER 7

4 PUBLIC PRIVATE STATE PARK PARTNERSHIP BOARD <--

5 PUBLIC-PRIVATE STATE PARK <--

6 PARTNERSHIP PILOT PROGRAM

7 Section 701. Definitions.

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

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

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

15 "Significant financial interest." Any financial interest in
16 a legal entity engaged in business for profit which comprises
17 more than 5% of the equity of the business or more than 5% of
18 the assets of the economic interest in indebtedness.

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

22 "ADDITIONAL RECREATIONAL, LODGING AND ANCILLARY FACILITIES." <--
23 HOTELS, INNS, RESTAURANTS, AMUSEMENT OR WATER PARKS, OUTDOOR
24 SPORTS FACILITIES, GOLF COURSES, SWIMMING POOLS OR OTHER PUBLIC
25 RECREATIONAL FACILITIES, OR MAINTENANCE STRUCTURES OR FACILITIES
26 NECESSARY TO SUPPORT ADDITIONAL FACILITIES.

27 "PILOT PROGRAM." THE PUBLIC-PRIVATE STATE PARK PARTNERSHIP
28 PILOT PROGRAM ESTABLISHED UNDER SECTION 702(A).

29 Section 702. Public-Private State Park Partnership Board <--
30 established PILOT PROGRAM. <--

1 (a) Establishment.--The Public-Private State Park
2 Partnership Board PILOT PROGRAM shall be established within the <--
3 department.

4 (b) Composition. The board shall be composed of the <--
5 following members:

6 (1) The secretary or the secretary's designee who shall
7 be an employee of the department. The secretary or the
8 secretary's designee shall be the chairperson of the board.

9 (2) The Secretary of Community and Economic Development,
10 or a designee of the Secretary of Community and Economic
11 Development, who shall be an employee of the Department of
12 Community and Economic Development.

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

15 (4) One member appointed by the Governor as specified
16 under subsection (d).

17 (c) Legislative appointments. The following apply:

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

20 (i) Two individuals appointed by the Majority Leader
21 of the Senate, one of whom shall be from the camping or
22 outdoor recreation sector.

23 (ii) One individual appointed by the Minority Leader
24 of the Senate.

25 (iii) Two individuals appointed by the Majority
26 Leader of the House of Representatives, one of whom shall
27 be from the camping or outdoor recreation sector.

28 (iv) One individual appointed by the Minority Leader
29 of the House of Representatives.

30 (2) Legislative appointees shall be residents of this

1 ~~Commonwealth and serve at the pleasure of the appointing~~
2 ~~authority.~~

3 ~~(d) Gubernatorial appointment. A member appointed under~~
4 ~~subsection (b) (4):~~

5 ~~(1) may not hold any other position as an elected~~
6 ~~official or employee of the Commonwealth;~~

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

8 ~~(3) shall serve at the pleasure of the Governor.~~

9 ~~Section 703. Terms of members.~~

10 ~~(a) Terms. Members shall serve a term as follows:~~

11 ~~(1) Members appointed under section 702(c) shall serve a~~
12 ~~maximum of three terms of two years and each term shall run~~
13 ~~concurrently with the term of the legislative session.~~

14 ~~(2) The member appointed under section 702(d) shall~~
15 ~~serve a term of four years and the term shall run~~
16 ~~concurrently with the term of the appointing Governor.~~

17 ~~(3) The secretary or the secretary's designee shall~~
18 ~~serve a term of four years and the term shall run~~
19 ~~concurrently with the secretary's service in office.~~

20 ~~(4) The Secretary of Community and Economic Development~~
21 ~~or the designee of the Secretary of Community and Economic~~
22 ~~Development shall serve a term of four years and the term~~
23 ~~shall run concurrently with the secretary's service in~~
24 ~~office.~~

25 ~~(b) Initial appointment and vacancy. Appointing authorities~~
26 ~~shall appoint initial members within 30 days of the effective~~
27 ~~date of this section. Whenever a vacancy occurs on the board,~~
28 ~~the appointing authority shall appoint a successor member within~~
29 ~~30 days of the vacancy.~~

30 ~~(c) Quorum. Five members of the board shall constitute a~~

1 ~~quorum. The adoption of a resolution or other action of the~~
2 ~~board shall require a majority vote of the members serving on~~
3 ~~the board, regardless of whether or not all of the members are~~
4 ~~present for the vote on the resolution or other action.~~

5 ~~Section 704. Compensation and financial interests.~~

6 ~~(a) Compensation. Members may not receive compensation for~~
7 ~~the performance of their duties on the board, but shall be~~
8 ~~entitled to reimbursement by the department for all necessary~~
9 ~~and reasonable expenses incurred in connection with the~~
10 ~~performance of their duties on the board.~~

11 ~~(b) Financial interests. No member, during the member's~~
12 ~~term of office, shall directly or indirectly own, have any~~
13 ~~significant financial interest in, be associated with or receive~~
14 ~~any fee, commission, compensation or anything of value from any~~
15 ~~private entity seeking to engage in a third party contract with~~
16 ~~the department.~~

17 ~~Section 705. Duties of board.~~

18 ~~The board shall have the following duties:~~

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

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

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

27 ~~(4) Soliciting from third parties the submission of~~
28 ~~offers or plans for additional recreational, lodging and~~
29 ~~ancillary facilities in State parks.~~

30 ~~(5) Evaluating and, when the board finds that offers or~~

1 ~~plans by third parties for additional recreational, lodging~~
2 ~~and ancillary facilities at State parks are in the best~~
3 ~~interests of this Commonwealth, approving the offers or plans~~
4 ~~by adopting a resolution.~~

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

8 ~~(7) Evaluating the impact of additional recreational,~~
9 ~~lodging and ancillary facilities in State parks on camping,~~
10 ~~recreational and lodging facilities conducted in the private~~
11 ~~sector in the vicinity of State parks. The results of the~~
12 ~~evaluation under this paragraph shall be considered by the~~
13 ~~board before the board approves any offers or plans submitted~~
14 ~~by third parties under paragraph (5).~~

15 ~~Section 706. Operation of board.~~

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

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

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

28 ~~Section 707. Applicability.~~

29 ~~The following acts shall apply to the board:~~

30 ~~(1) The act of February 14, 2008 (P.L.6, No.3), known as~~

1 ~~the Right to Know Law.~~

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

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

7 (B) DUTIES.--THE DEPARTMENT SHALL HAVE THE FOLLOWING DUTIES: <--

8 (1) SELECTING A CONSULTANT THROUGH AN APPROPRIATE
9 PROCUREMENT MECHANISM TO CONDUCT AN INVENTORY OF EXISTING
10 STATE PARK ASSETS AND ISSUE RECOMMENDATIONS WHERE ADDITIONAL
11 RECREATIONAL, LODGING AND ANCILLARY FACILITIES IN STATE PARKS
12 CAN BE DEVELOPED TO THE BENEFIT OF THE GENERAL PUBLIC.

13 (2) DETERMINING IF A RECOMMENDED PUBLIC-PRIVATE PROJECT
14 IS CONSISTENT WITH THE PURPOSES OF THE DEPARTMENT'S MISSION
15 AS SET FORTH UNDER SECTION 303(A) (3) .

16 (3) ADOPTING GUIDELINES ESTABLISHING THE PROCEDURE BY
17 WHICH A PRIVATE ENTITY MAY SUBMIT A PLAN TO DEVELOP
18 ADDITIONAL RECREATIONAL, LODGING OR ANCILLARY FACILITIES IN
19 STATE PARKS.

20 (4) SUBMITTING A REPORT TO THE GENERAL ASSEMBLY
21 DETAILING ALL ADDITIONAL RECREATIONAL, LODGING AND ANCILLARY
22 FACILITIES IN STATE PARKS EVALUATED AND RECOMMENDED.

23 SECTION 703. EXEMPTION AND FUNDING.

24 THE DEPARTMENT SHALL BE EXEMPT FROM SELECTING A CONSULTANT,
25 IMPLEMENTING ANY PUBLIC-PRIVATE PARTNERSHIP PROJECT OR EXECUTING
26 ANY AGREEMENT WITH A PRIVATE ENTITY IF SUFFICIENT FUNDS ARE NOT
27 APPROPRIATED FOR THE PROCUREMENT MECHANISM UNDER PARAGRAPH (1)
28 AND THE SPECIFIC RECREATIONAL, LODGING OR ANCILLARY FACILITY
29 PROJECT AND DEPOSITED IN A DEDICATED PUBLIC-PRIVATE STATE PARKS
30 ACCOUNT.

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

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