
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2004 Session of
2019

INTRODUCED BY ORTITAY, GROVE, RYAN, BARRAR, KAUFFMAN, JAMES,
KEEFER, MOUL, BERNSTINE AND GLEIM, OCTOBER 29, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
OCTOBER 29, 2019

AN ACT

1 Amending the act of July 2, 1993 (P.L.359, No.50), entitled "An
2 act providing for the establishment, operation and
3 administration of the Keystone Recreation, Park and
4 Conservation Fund; designating a portion of the State Realty
5 transfer tax revenues as a funding source for the fund;
6 authorizing the incurring of indebtedness, with the approval
7 of the electorate, to provide funding for the acquisition of,
8 improvements to and the rehabilitation of parks, recreational
9 facilities, educational facilities, historic sites, zoos and
10 public libraries; imposing additional powers and duties on
11 the Department of Environmental Resources, the Department of
12 Community Affairs, the Department of Education, the
13 Pennsylvania Historical and Museum Commission, the State
14 System of Higher Education, the Pennsylvania Game Commission
15 and the Pennsylvania Fish and Boat Commission; requiring a
16 transfer from the Realty Transfer Tax Account in the General
17 Fund; and making an appropriation," further providing for
18 definitions, for Keystone Recreation, Park and Conservation
19 Fund, for duties, responsibilities and limitations on
20 agencies, for allocation from fund and for waivers; and
21 making related repeals.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The definitions of "agency," "educational
25 facility" and "historical preservation organization" in section
26 3 of the act of July 2, 1993 (P.L.359, No.50), known as the
27 Keystone Recreation, Park and Conservation Fund Act, are amended

1 to read:

2 Section 3. Definitions.

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

6 * * *

7 "Agency." The Department of [Environmental Resources, the
8 Department of Community Affairs] Conservation and Natural
9 Resources, the Department of Education, the Pennsylvania
10 Historical and Museum Commission[,] and the State System of
11 Higher Education[, the Pennsylvania Fish and Boat Commission and
12 the Pennsylvania Game Commission of the Commonwealth].

13 * * *

14 ["Educational facility." A facility owned by the State
15 System of Higher Education.]

16 * * *

17 ["Historic preservation organization." A nonprofit
18 organization dedicated to the research, restoration,
19 rehabilitation and other activities furthering the protection,
20 enhancement, preservation or enjoyment of historic resources
21 which is tax exempt under section 501(c)(3) of the Internal
22 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)),
23 registered with the Bureau of Charitable Organizations and has
24 been in existence for at least five consecutive years.]

25 * * *

26 Section 2. Sections 4 and 8 of the act are amended to read:

27 Section 4. Keystone Recreation, Park and Conservation Fund.

28 (a) Establishment.--There is hereby established in the State
29 Treasury a [restricted receipt account] special fund to be known
30 as the Keystone Recreation, Park and Conservation Fund [to

1 provide moneys necessary to implement the provisions of this
2 act].

3 (b) Source of funds.--[All proceeds from the sale of bonds
4 or notes as approved under section 5 and the monthly transfer of
5 a portion of the State Realty Transfer Tax shall provide the
6 necessary moneys for the fund.] The following shall be deposited
7 in the fund:

8 (1) The amount transferred under section 1106-C(d) of
9 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
10 Reform Code of 1971.

11 (2) Amounts appropriated or transferred to the fund.

12 (c) Appropriations.--[All moneys in the fund are hereby
13 appropriated on a continuing nonlapsing basis to the designated
14 agencies in the amounts set forth in section 12. No funds shall
15 be expended by any agency without authorization by the
16 Governor.] Money in the fund may be used only for the purposes
17 provided under section 8, upon appropriation by the General
18 Assembly.

19 (d) Interest.--All interest earned by the fund and all
20 refunds or repayments shall be credited to the fund [and are
21 hereby appropriated to the appropriate agencies in the same
22 percentage as specified in section 12].

23 Section 8. Duties, responsibilities and limitations on
24 agencies.

25 (a) General rule.--Each agency shall promulgate rules and
26 regulations that are necessary to carry out the purposes of this
27 act consistent with the criteria set forth in this act.

28 (b) Department of [Environmental] Conservation and Natural
29 Resources.--

30 [(1) The Department of Environmental Resources shall

1 utilize bond revenues for the following purposes:

2 (i) Rehabilitating, repairing and developing State
3 park and forest facilities deemed by the department to be
4 critical for visitor safety, environmental protection or
5 essential for facility operation. Not less than 70% of
6 the bond revenues will be used for these purposes.

7 (ii) Acquiring recreation areas and natural areas
8 which in the opinion of the department face imminent loss
9 or damage. Up to 30% of the bond revenues may be used for
10 this purpose.]

11 (2) [The department shall expend Realty Transfer Tax
12 revenues appropriated from the Keystone Fund] Amounts
13 appropriated to the Department of Conservation and Natural
14 Resources from the fund for parks and forest facility
15 rehabilitation may only be used for the following purposes:

16 (i) Rehabilitating and upgrading State park and
17 forest facilities.

18 (ii) Implementing the act of December 18, 1990
19 (P.L.748, No.188), known as the Rails to Trails Act[. Up
20 to 10% of the moneys can be provided as], including 50/50
21 matching grants to municipalities and appropriate
22 organizations for planning, acquisition and development
23 of rails to trails.

24 (iii) Making 50/50 matching grants to municipalities
25 and appropriate organizations for the purpose of rivers
26 protection and conservation. [Up to 10% of the moneys can
27 be used for this purpose.]

28 (iv) Acquiring lands important to maintaining the
29 integrity of existing State parks and forests.

30 (c) Department of [Community Affairs] Conservation and

1 Natural Resources.--

2 (1) [The Department of Community Affairs shall] Amounts
3 appropriated to the Department of Conservation and Natural
4 Resources from the fund for grants for local recreation shall
5 be used to provide grants of bond revenues and realty
6 transfer tax revenues to municipalities for the following
7 purposes:

8 (i) To fund up to 50% of the eligible project costs
9 for rehabilitation and development of outdoor and indoor
10 recreation and park facilities and areas.

11 (ii) To pay up to 50% of the eligible project costs
12 for acquisition of recreation and park lands, greenways
13 and natural areas.

14 (iii) To pay up to 100% of the eligible project
15 costs for planning projects and special technical
16 assistance initiatives deemed appropriate by the
17 department.

18 (iv) To provide municipalities with a population of
19 5,000 or less with up to 100% funding for eligible
20 material costs and professional fees. Grants are limited
21 to a maximum of \$20,000 for rehabilitation and
22 development of basic outdoor recreation and park
23 facilities and renovation of minor indoor recreation
24 facilities.

25 (2) [The Department of Community Affairs shall provide
26 grants of bond revenues and realty transfer tax revenues]
27 Amounts appropriated to the Department of Conservation and
28 Natural Resources from the fund for grants for land trusts
29 shall be used to provide grants to land trusts to pay up to
30 50% of eligible project costs for natural areas and open

1 space planning and acquisition. Any land acquired under this
2 paragraph shall be open to those public uses that are
3 consistent with the purposes for which the land was acquired.
4 Temporary limitation of public access for the purpose of
5 protecting or restoring the natural resources of an area
6 shall not be considered a violation of this paragraph. The
7 Department of [Community Affairs, in consultation with the
8 Department of Environmental Resources,] Conservation and
9 Natural Resources shall adopt project selection criteria that
10 give priority to acquisitions of critical habitat for rare,
11 threatened or endangered plant or animal species or
12 communities which are at risk of destruction or substantial
13 degradation.

14 [(3) The Department of Community Affairs shall provide
15 grants of bond revenues and realty transfer tax revenues to
16 municipalities and appropriate organizations to pay up to 50%
17 of the eligible project costs for rehabilitation and
18 development of zoos.]

19 (d) Department of Education.--[The Department of Education
20 shall provide grants from bond revenues and realty transfer tax
21 revenues] Amounts appropriated to the Department of Education
22 from the fund for local libraries rehabilitation and development
23 shall be used to provide grants to municipalities to pay up to
24 50% of eligible project costs for planning, acquisition,
25 development and rehabilitation of public libraries.

26 (e) Pennsylvania Historical and Museum Commission.--[The
27 Pennsylvania Historical and Museum Commission shall utilize bond
28 revenues and realty transfer tax revenues] Amounts appropriated
29 to the Pennsylvania Historical and Museum Commission for
30 historic site development from the fund shall be used for

1 planning, acquisition, development and rehabilitation of
2 Commonwealth-owned historic sites and museums and to provide
3 grants to nonprofit organizations and public agencies for the
4 planning, acquisition and rehabilitation of publicly accessible
5 historic sites listed in or eligible for the National Register
6 of Historic Places.

7 (f) State System of Higher Education.--[The State System of
8 Higher Education shall utilize realty transfer tax revenues]
9 Amounts appropriated to the State System of Higher Education
10 from the fund shall be used for deferred maintenance of
11 facilities owned by the State System of Higher Education.

12 [(g) Pennsylvania Fish and Boat Commission.--The
13 Pennsylvania Fish and Boat Commission shall utilize bond
14 revenues for planning, acquisition, development and
15 rehabilitation of fishing and boating access areas, recreation
16 areas and natural areas and for technical assistance.

17 (h) Pennsylvania Game Commission.--The Pennsylvania Game
18 Commission shall utilize bond revenues for planning,
19 acquisition, development and rehabilitation of game lands,
20 recreation areas and natural areas and for technical
21 assistance.]

22 (i) Administrative expense limitation.--Administrative
23 expenses for agencies administering these programs shall be
24 limited to 5% of the funding [received by] appropriated to the
25 agency for these programs.

26 (j) Land trust restrictions.--Any moneys received by land
27 trusts under the provisions of this act shall be expended only
28 for the planning of and acquisition of natural areas.

29 Section 3. Sections 12 and 13 of the act are repealed:
30 [Section 12. Allocation from fund.]

1 (a) Allocation of bond revenues.--In the event that bonds
2 are sold under the provisions of this act, the bond proceeds are
3 to be allocated as follows:

4	(1) Department of Environmental Resources.	\$17,000,000
5	(2) Department of Community Affairs:	
6	(i) For grant programs.....	13,000,000
7	(ii) For land trusts.....	3,000,000
8	(iii) For zoos.....	3,500,000
9	(3) Department of Education.....	2,500,000
10	(4) Pennsylvania Historical and Museum	
11	Commission.....	8,000,000
12	(5) Pennsylvania Fish and Boat Commission.	1,500,000
13	(6) Pennsylvania Game Commission.....	1,500,000

14 (b) Allocation of realty transfer tax revenues.--Realty
15 transfer tax revenues transferred to the fund shall be allocated
16 as follows:

17	(1) Department of Environmental Resources.	30%
18	(2) Department of Community Affairs:	
19	(i) For general purposes.....	25%
20	(ii) For land trusts.....	10%
21	(3) Department of Education.....	4%
22	(4) Pennsylvania Historical and Museum	
23	Commission.....	13%
24	(5) State System of Higher Education.....	18%

25 Section 13. Waivers.

26 (a) One-year exemption from review.--In order to facilitate
27 the speedy implementation of this program, the agencies shall
28 have the power and authority to promulgate, adopt and use
29 guidelines which shall be published in the Pennsylvania
30 Bulletin. The guidelines shall not be subject to review pursuant

1 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
2 referred to as the Commonwealth Documents Law, sections 204(b)
3 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
4 known as the Commonwealth Attorneys Act, or the act of June 25,
5 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
6 shall be effective for a period not to exceed one year from the
7 effective date of this act.

8 (b) Expiration of exemption.--After the expiration of the
9 one-year period, all guidelines shall expire and shall be
10 replaced by regulations which shall have been promulgated,
11 adopted and published as provided by law.]

12 Section 4. Repeals are as follows:

13 (1) The General Assembly declares that the repeals under
14 paragraph (2) are necessary to effectuate the amendment of
15 section 8(b) and (c) of the act.

16 (2) Sections 304(c) and 306(c) of the act of June 28,
17 1995 (P.L.89, No.18), known as the Conservation and Natural
18 Resources Act, are repealed to the extent that sections
19 304(c) and 306(c) of the Conservation and Natural Resources
20 Act relate to duties of agencies under the act.

21 (3) The General Assembly declares that the repeals under
22 paragraph (4) are necessary to effectuate the amendment of
23 sections 4 and 8 of the act and the repeal of section 12 of
24 the act.

25 (4) Section 319(a) (7) and (b) (1) of the Conservation and
26 Natural Resources Act are repealed.

27 Section 5. This act shall take effect July 1, 2020, or
28 immediately, whichever is later.