

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

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2020

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 1. THE DEFINITIONS OF "AGENCY" AND "EDUCATIONAL <--
3 FACILITY" IN SECTION 3 OF THE ACT OF JULY 2, 1993 (P.L.359,
4 NO.50), KNOWN AS THE KEYSTONE RECREATION, PARK AND CONSERVATION
5 FUND ACT, ARE AMENDED TO READ:

6 Section 3. Definitions.

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

10 * * *

11 "Agency." The Department of [Environmental Resources, the
12 Department of Community Affairs] Conservation and Natural
13 Resources, the Department of Education, the Pennsylvania
14 Historical and Museum Commission[,] and the State System of
15 Higher Education[, the Pennsylvania Fish and Boat Commission and
16 the Pennsylvania Game Commission of the Commonwealth].

17 * * *

18 ["Educational facility." A facility owned by the State
19 System of Higher Education.]

20 * * *

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

29 * * *

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

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

2 (a) Establishment.--There is hereby established in the State
3 Treasury a [restricted receipt account] special fund to be known
4 as the Keystone Recreation, Park and Conservation Fund [to
5 provide moneys necessary to implement the provisions of this
6 act].

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

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

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

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

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

27 Section 8. Duties, responsibilities and limitations on
28 agencies.

29 (a) General rule.--Each agency shall promulgate rules and
30 regulations that are necessary to carry out the purposes of this

1 act consistent with the criteria set forth in this act.

2 (b) Department of [Environmental] Conservation and Natural
3 Resources.--

4 [(1) The Department of Environmental Resources shall
5 utilize bond revenues for the following purposes:

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

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

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

20 (i) Rehabilitating and upgrading State park and
21 forest facilities.

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

28 (iii) Making 50/50 matching grants to municipalities
29 and appropriate organizations for the purpose of rivers
30 protection and conservation. [Up to 10% of the moneys can

1 be used for this purpose.]

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

4 (c) Department of [Community Affairs] Conservation and
5 Natural Resources.--

6 (1) [The Department of Community Affairs shall] Amounts
7 appropriated to the Department of Conservation and Natural
8 Resources from the fund for grants for local recreation shall
9 be used to provide grants [of bond revenues and realty <--
10 transfer tax revenues] to municipalities for the following <--
11 purposes:

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

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

18 (iii) To pay up to 100% of the eligible project
19 costs for planning projects and special technical
20 assistance initiatives deemed appropriate by the
21 department.

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

29 (2) [The Department of Community Affairs shall provide
30 grants of bond revenues and realty transfer tax revenues]

1 Amounts appropriated to the Department of Conservation and
2 Natural Resources from the fund for grants for land trusts
3 shall be used to provide grants to land trusts to pay up to
4 50% of eligible project costs for natural areas and open
5 space planning and acquisition. Any land acquired under this
6 paragraph shall be open to those public uses that are
7 consistent with the purposes for which the land was acquired.
8 Temporary limitation of public access for the purpose of
9 protecting or restoring the natural resources of an area
10 shall not be considered a violation of this paragraph. The
11 Department of [Community Affairs, in consultation with the
12 Department of Environmental Resources,] Conservation and
13 Natural Resources shall adopt project selection criteria that
14 give priority to acquisitions of critical habitat for rare,
15 threatened or endangered plant or animal species or
16 communities which are at risk of destruction or substantial
17 degradation.

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

23 (d) Department of Education.--[The Department of Education
24 shall provide grants from bond revenues and realty transfer tax
25 revenues] Amounts appropriated to the Department of Education
26 from the fund for local libraries rehabilitation and development
27 shall be used to provide grants to municipalities to pay up to
28 50% of eligible project costs for planning, acquisition,
29 development and rehabilitation of public libraries.

30 (e) Pennsylvania Historical and Museum Commission.--[The

1 Pennsylvania Historical and Museum Commission shall utilize bond
2 revenues and realty transfer tax revenues] Amounts appropriated
3 to the Pennsylvania Historical and Museum Commission for
4 historic site development from the fund shall be used for
5 planning, acquisition, development and rehabilitation of
6 Commonwealth-owned historic sites and museums and to provide
7 grants to nonprofit organizations and public agencies for the
8 planning, acquisition and rehabilitation of publicly accessible
9 historic sites listed in or eligible for the National Register
10 of Historic Places.

11 (f) State System of Higher Education.--[The State System of
12 Higher Education shall utilize realty transfer tax revenues]
13 Amounts appropriated to the State System of Higher Education
14 from the fund shall be used for deferred maintenance ~~of~~ <--
15 facilities owned by the State System of Higher Education.

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

21 (h) Pennsylvania Game Commission.--The Pennsylvania Game
22 Commission shall utilize bond revenues for planning,
23 acquisition, development and rehabilitation of game lands,
24 recreation areas and natural areas and for technical
25 assistance.]

26 (i) Administrative expense limitation.--Administrative
27 expenses for agencies administering these programs shall be
28 limited to 5% of the funding [received by] appropriated to the
29 agency for these programs.

30 (j) Land trust restrictions.--Any moneys received by land

1 trusts under the provisions of this act shall be expended only
2 for the planning of and acquisition of natural areas.

3 Section 3. Sections 12 and 13 of the act are repealed:

4 [Section 12. Allocation from fund.

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

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

18 (b) Allocation of realty transfer tax revenues.--Realty
19 transfer tax revenues transferred to the fund shall be allocated
20 as follows:

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

29 Section 13. Waivers.

30 (a) One-year exemption from review.--In order to facilitate

1 the speedy implementation of this program, the agencies shall
2 have the power and authority to promulgate, adopt and use
3 guidelines which shall be published in the Pennsylvania
4 Bulletin. The guidelines shall not be subject to review pursuant
5 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
6 referred to as the Commonwealth Documents Law, sections 204(b)
7 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
8 known as the Commonwealth Attorneys Act, or the act of June 25,
9 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
10 shall be effective for a period not to exceed one year from the
11 effective date of this act.

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

16 Section 4. Repeals are as follows:

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

20 (2) Sections 304(c) and 306(c) of the act of June 28,
21 1995 (P.L.89, No.18), known as the Conservation and Natural
22 Resources Act, are repealed to the extent that sections
23 304(c) and 306(c) of the Conservation and Natural Resources
24 Act relate to duties of agencies under the act.

25 (3) The General Assembly declares that the repeals under
26 paragraph (4) are necessary to effectuate the amendment of
27 sections 4 and 8 of the act and the repeal of section 12 of
28 the act.

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

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