

No. 1984-106

AN ACT

SB 1434

Providing for the rehabilitation, development and acquisition of land, water and structural resources; defining the powers and duties of certain offices, agencies and municipalities; providing for the allotment of proceeds hereunder including Commonwealth grants; prescribing standards; and making appropriations.

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

Section 1. Short title.

This act shall be known and may be cited as the Recreational Improvement and Rehabilitation Act.

Section 2. Definitions.

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

“Community conservation.” Any park or recreation project which preserves or enhances the economic or cultural environment in a community.

“Conservation purposes.” Any use of land for reforestation, wildlife reserves or any other uses that will maintain, improve or develop the natural environment of soil, water, air, minerals or wildlife of this Commonwealth so as to assure their optimum use.

“Departments and commissions.” The Department of Community Affairs, the Department of Environmental Resources, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the Pennsylvania Historical and Museum Commission and the Department of Military Affairs.

“Development.” Any construction, improvement, rehabilitation, utility and road relocation, alteration or renovation required for and compatible with the physical development or improvement of land, water or structural resources.

“Land.” Real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, privileges and any other physical property or rights or interests of any kind or description relating to or connected with real property.

“Municipality.” Any county, city, borough, town, township, or home rule municipality, or any official agency created by the foregoing units of government under the laws of the Commonwealth; however, any of the actions of such official agency taken under the authority of this act shall be first approved by the participating local governing bodies in such agency.

“Open space benefits.” The benefits to the citizens of the Commonwealth which result from the promotion or restriction of the use of selected open space lands, including, but not limited to, the protection and conservation of existing and planned parks, recreation and conservation lands; the

promotion of sound, cohesive and efficient land development by providing open spaces between communities; the protection and conservation of natural or scenic resources, including, but not limited to, streams, flood plains, steep slopes, marshes, soils and beaches; and the protection and conservation of farmland, forests and land, water resources and watersheds and historic, geologic and botanic sites.

“Open space lands.” Land used for purposes not inconsistent with the achievement of open space benefits.

“Recreation purposes.” Any use of land for public park, zoo, fishing, hunting, boating, open space and interpretive environmental education purposes or scenic sights or preservation of historical significance or for any related public recreation purpose.

“Rehabilitation.” The development of any park, recreation, or structural resource where these facilities have deteriorated because they have met or exceeded their useful life or other reasons, where one responsible public agency has made reasonable efforts to address the deterioration or where such rehabilitation will significantly reduce the operation and maintenance costs for these facilities.

“Special population.” Persons who are physically or mentally limited either through age or disability or for whom special provisions must be made.

“Studies.” The collection, analysis and presentation of information, alternatives and recommendations in order that the Commonwealth may provide assistance to municipalities and in order that the Commonwealth or municipalities may singly or jointly determine a course of action to meet the purposes of this act.

Section 3. Eligible uses of funds.

In order to foster economic development, funds shall be used only for the following purposes:

(1) Rehabilitation of existing parks, recreation facilities and public zoos where these facilities have deteriorated because they have met or exceeded their useful life or other reasons, where one responsible public agency has made reasonable efforts to address the deterioration or where such rehabilitation will significantly reduce the operation and maintenance costs for these facilities.

(2) Acquisition of land for public recreation or park areas, only where such acquisitions are made to obtain critical inholding or buffer areas adjacent to existing park and recreation areas, or to preserve critical wild-life habitat areas, including wetlands, or to develop hunting, fishing and boating areas and related support facilities.

(3) Acquisition, development and rehabilitation of historic or open space resources which are outstanding examples of Pennsylvania's cultural heritage and which will enhance community conservation and community economic development.

(4) Rehabilitation and conversion of surplus schools or other municipally owned or controlled buildings for use as municipal multipurpose community centers to primarily house indoor recreation programs and other related community services.

(5) Renovation of existing park and recreation facilities to improve accessibility to special populations.

(6) Completion of the development of public park and recreation facilities on lands which have previously been acquired for these purposes or on lands acquired through this act.

Section 4. Appropriation of moneys.

(a) Appropriation.—From the moneys received by the Commonwealth from the issuance and sale of bonds and notes pursuant to the act of July 2, 1984 (P.L.512, No.104), known as the Pennsylvania Economic Revitalization Act, there are hereby appropriated as follows:

(1) The sum of \$12,000,000, or as much thereof as may be necessary, is appropriated from the Pennsylvania Economic Revitalization Fund to the Department of Environmental Resources for the period beginning July 1, 1984, and ending June 30, 1986, for site development and material costs for projects authorized and funded under the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act. The Secretary of Environmental Resources shall have the power to promulgate such statements of policy, guidelines, rules and regulations as may be necessary to effectuate the programs undertaken, including contracting with persons, firms, partnerships, associations or corporations as may be necessary. The Department of Environmental Resources shall establish procedures for the application and distribution of funds pursuant to this section. Municipalities sponsoring projects authorized and funded under the Pennsylvania Conservation Corps Act shall be eligible to receive funding under this paragraph only for those projects having recreation purposes and then no more than 75% of the cost of development and materials for those projects. All other projects sponsored by municipalities shall be ineligible for funding under this paragraph.

(2) The sum of \$18,000,000, or as much thereof as may be necessary, is appropriated from the Pennsylvania Economic Revitalization Fund to the Department of Community Affairs for the period beginning July 1, 1984, and ending June 30, 1987, for State grants-in-aid to municipalities for land acquisition, rehabilitation, studies and development projects for recreation and conservation purposes, community centers and open space benefits as specified in section 3. The appropriated funds shall be expended equally over the three-year funding period. Funding shall be allocated to projects in accordance with the following:

(i) Not less than 50% of the total allocation shall be used to pay up to 50% for rehabilitation, studies and development projects.

(ii) Not more than 25% of the total allocation shall be used to pay up to 50% of the project costs for acquisition of recreation, park and open space benefit lands.

(iii) Not more than 25% of the total allocation shall be used to pay up to 50% for community center projects.

(iv) The department shall develop a small community or small projects component. This program shall be for the above purposes and those under section 3. This component shall be for grants-in-aid for

projects of up to \$10,000 in amount, shall be up to 100% grants-in-aid and will cover only material costs, to assist those municipalities unable to meet the matching requirements specified in this section.

(v) No municipality shall be eligible to receive more than \$200,000 in grants-in-aid in any fiscal year.

(b) State grants-in-aid.—Grants-in-aid shall be made in accordance with the following procedures:

(1) A request for State grants-in-aid shall be made by the governing body of a municipality to the Department of Community Affairs.

(2) The development, rehabilitation and community center projects shall be submitted to the Department of Community Affairs by the municipalities in an application which contains information as may be required by the Department of Community Affairs. Upon approval of the project application, the municipality shall execute the project according to standards and provisions required or set by State laws and in accordance with the contracts, bidding procedures and manner established, approved or accepted by the Department of Community Affairs or other designated agencies of the Commonwealth and in accordance with the construction, site and financial plans and specifications required, reviewed and approved by the Department of Community Affairs or other agencies of the Commonwealth or private consulting firm retained for the purpose of project review.

(3) The land acquisition projects shall be submitted to the Department of Community Affairs by the municipality in an application which contains maps, appraisals and other information as may be required by the Department of Community Affairs. The lands may be acquired by purchase agreement or by eminent domain. The municipality shall have the power to acquire rights in real property, which include, but are not limited to, fee simple, easements, remainder, future interest, lease, license, restriction or covenant of any sort, contractual interest or rights concerning the use of or power to transfer property, in order to protect and preserve open space benefits. The Commonwealth's share of the cost of the development, land acquisition, community center and study projects shall be paid by the State Treasurer on audit and warrant of the Auditor General on the requisition of the Secretary of the Department of Community Affairs. The Department of Community Affairs shall be empowered to promulgate rules and regulations, undertake studies and employ personnel and consultants and provide grants to political subdivisions to undertake studies as necessary in order to properly administer this act and to determine the recreation and park needs of municipalities and the advisability of granting State aid.

(c) Criteria for awarding grants.—The Department of Community Affairs shall establish criteria for the awarding of grants-in-aid. Such criteria shall include but shall not be limited to:

(1) Population benefiting from the proposed project.

(2) Number, size and condition of existing park and recreation facilities.

(3) Deficiencies in recreation opportunities at the neighborhood level, particularly for minority, lower income and special population groups.

(4) The extent to which a project supports or complements community conservation efforts.

(5) Commitments of other local public or private or Federal resources.

(d) Use of property.—Municipalities shall not dispose of nor at any time convert property acquired pursuant to this act to other than the purposes approved in the project applications without the prior written approval of the program administrator within the Department of Community Affairs. Should disposition or conversion occur, the Department of Community Affairs may:

(1) Require the municipality to refund all grant-in-aid funds for that particular project including 10% annual interest compounded four times annually from the date the original grant-in-aid was received until it is repaid.

(2) Require acquisition of equivalent replacement land, as determined by the department.

(e) Project funding.—For a project that conforms to the Pennsylvania Conservation Corps Act, a municipality may be eligible to receive funds from either the Department of Environmental Resources or the Department of Community Affairs in any one fiscal year, but not from both sources.

Section 5. Guidelines and regulations.

(a) One-year exemption from review.—In order to facilitate the speedy implementation of this program, the departments shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and, except as provided in subsection (c), shall be effective for a period not to exceed one year from the effective date of this act.

(b) Expiration of exemption.—Except as provided in subsection (c), after the expiration of the one-year period, all guidelines shall expire and shall be replaced by regulations which shall have been promulgated, adopted and published as provided by law.

(c) Exception.—The General Assembly may provide for an extension of the guidelines adopted pursuant to subsection (a), if the Leadership Committee created pursuant to sections 3 and 4 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, extends the guidelines adopted pursuant to subsection (a).

Section 6. Funding for other departments and commissions.

The respective departments and commissions may cooperate and expend funds jointly on projects where the objectives of the projects can be better

achieved, where economies may be obtained by the cooperation and joint action or in other instances where joint action is determined to be in the public interest. The Department of Environmental Resources and the Department of Community Affairs may subcontract with other departments and commissions for eligible projects under this act.

Section 7. Federal programs.

The department and commissions set forth in this act may utilize any available Federal programs to augment the funds made available to the department or commission under the provisions of this act.

Section 8. Nondiscrimination.

No grant or other allocation of funds shall be made to a recipient under this act unless the recipient certifies to the department making the allocation, in a form satisfactory to that department, that it shall not discriminate against any employee or against any applicant for employment because of race, religion, color, national origin, sex or age.

Section 9. Termination.

No funds under this act shall be encumbered by the Department of Environmental Resources after June 30, 1986, or awarded as grants-in-aid by the Department of Community Affairs after June 30, 1987. Funds not expended by the Department of Environmental Resources by June 30, 1986, shall be reappropriated by the General Assembly for eligible recreation purposes under the provisions of this act.

Section 10. Effective date.

This act shall take effect July 1, 1984, or immediately, whichever is later.

APPROVED—The 2nd day of July, A. D. 1984.

DICK THORNBURGH