

No. 1990-66

AN ACT

SB 1617

Amending the act of July 2, 1984 (P.L.527, No.106), entitled "An act 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," further defining "recreation purposes"; further providing for additional rehabilitation projects; changing the allocation of funds and the availability of funds to cities of the first class; and making a repeal.

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

Section 1. The definition of "recreation purposes" in section 2 of the act of July 2, 1984 (P.L.527, No.106), known as the Recreational Improvement and Rehabilitation Act, is amended to read:

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:

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

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Section 2. Sections 3 and 4 of the act, amended July 13, 1987 (P.L.300, No.55), are amended to read:

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, *indoor recreation facilities*, *outdoor* 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, including acquisitions made to obtain critical inholding or buffer areas adjacent to existing park and recreation areas, or to preserve critical wildlife habitat areas, including wetlands, or to develop hunting, fishing **[and]**, boating *and snowmobiling* 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]** *parks, indoor recreation facilities and outdoor recreation* facilities to improve accessibility to special populations.

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

(7) *Preparation of comprehensive recreation plans, park master plans, feasibility studies, natural areas inventories, other park and recreation-related studies and implementation of special technical assistance initiatives as identified or deemed appropriate by the Department of Community Affairs.*

Section 4. Appropriation *and allocation* 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 \$19,780,000, 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, 1988, 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 \$24,000,000, 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, 1988, for State grants-in-aid to municipalities and, in the case of cities of the first class, park commissions, for land acquisition, rehabilitation, studies and development projects for recreation and conservation purposes, community centers and open space bene-

fits as specified in section 3. The appropriated funds shall be expended by the Department of Community Affairs so that \$18,000,000 is expended in equal sums over a three-year period from July 1, 1984, to June 30, 1987, and the remaining \$6,000,000 is expended in the fiscal year July 1, 1987, to June 30, 1988.

(a.1) Allocations.—Funding shall be allocated to projects in accordance with the following:

[(i)] (1) Not less than 50% of the total allocation shall be used to pay up to 50% for rehabilitation[, studies] and development projects.

[(ii)] (2) Not more than [25%] 20% 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)] (3) Not more than [25%] 10% of the total allocation shall be used to pay [up to 50% for community center projects] for plans, studies and technical assistance grants as authorized by section 3(7).

[(iv)] The department shall develop a small community or small projects component. This program]

(4) Not more than 15% of the total allocation shall be used for a small community or small projects component. This component shall be for the above purposes and those under section 3. This component shall be for grants-in-aid for projects of up to \$15,000 in amount, shall be up to 100% grants-in-aid and will cover only material costs[,] to assist those municipalities with a population of 4,000 or less residents. [unable to meet the matching requirements specified in this section.

(v)] (5) No municipality, other than a city of the first class, shall be eligible to receive more than [\$200,000 in grants-in-aid in any fiscal year] 5% of the annual program appropriation. No city of the first class, including park commissions within such cities, shall [cumulatively] be eligible to receive more than [\$600,000 in grants-in-aid in any fiscal year] 10% of the annual program appropriations.

[(vi)] (6) Not more than 5% of the total allocation shall be used by the department for personnel, equipment and operating costs to administer the Recreational Improvement and Rehabilitation Program and to provide [technical] support assistance to municipalities for both grant-related and other recreation and conservation-related services. After June 30, 1988, the department may continue to use unspent funds from previous allocations pursuant to this section to administer the closeout of the grant projects and to continue a program of [technical] support assistance.

(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[,] and 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.

(4) The Commonwealth's share of the cost of the development, land acquisition[, community center and study] and *technical assistance* 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.]** *The Department of Community Affairs shall ensure that grants made to municipalities under this act and the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, are not duplicated and that funds are being used in an effective and efficient manner to successfully complete a project.*

Section 3. Section 9 of the act is repealed.

Section 4. This act shall take effect immediately.

APPROVED—The 30th day of June, A. D. 1990.

ROBERT P. CASEY