

No. 1993-50

AN ACT

HB 52

Providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, the Department of Community Affairs, the Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund; and making an appropriation.

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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 Keystone Recreation, Park and Conservation Fund Act.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

- (1) Fundamental to the health and welfare of the people of Pennsylvania are the land and water resources of this Commonwealth as described in section 27 of Article I of the Constitution of Pennsylvania.

(2) Commonwealth parks, game lands, fishing areas, historical sites, educational facilities, community parks, recreation areas, natural areas, zoos and libraries are significant assets and are important contributors to tourism, economic development and recreation.

(3) The Commonwealth's park and forest systems, its historic sites, many local park areas, zoos and recreational facilities, particularly in our urban centers, and public libraries are at the heart of numerous studies which demonstrate a well-documented need for the immediate provision of funding for rehabilitation of these park and recreation facilities of critical importance to visitor safety and environmental protection and for the acquisition of recreation and open space lands which face imminent loss or damage.

(4) In order to facilitate the improvement of the Commonwealth's park and forest systems, our local park and recreation facilities, our natural areas, our zoos, our historic sites, educational facilities and our public libraries, it is necessary to make substantial expenditures for capital improvements.

(5) Growth in financial support for recreation in this Commonwealth has not kept up with the growing needs of recreation consumers.

(6) A predictable and stable source of funding has been well documented as the most appropriate way to achieve a solution to the funding problems facing parks, natural areas, recreation, historic preservation facilities, educational facilities, zoos and public libraries in this Commonwealth.

(7) The continued need for recreation and community services requires the development of new, and rehabilitation of existing, indoor and outdoor recreation, park, historic, zoo and library facilities.

(8) The Commonwealth must act to develop and rehabilitate and to assist municipalities to develop and to rehabilitate newly and previously acquired lands and facilities for recreation, historical uses, conservation and environmental education so that the public may have access and enjoyment of these areas and facilities.

(9) The Commonwealth must act to acquire and to assist municipalities to acquire lands for recreation, historical uses, conservation and environmental education so that the public may have access and enjoyment of these areas and facilities.

Section 3. 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:

"Acquisition." The purchase or lease with an option to purchase of land or buildings for public park, conservation, historical, recreation, zoo or library uses.

"Administrative expenses." Any expenditures of funds, including, but not limited to, expenditures of Commonwealth agencies for personnel and other

operating costs necessary to accomplish the purposes of this act.

"Agency." The Department of Environmental Resources, the Department of Community Affairs, the Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission of the Commonwealth.

"Development." Any new construction, improvement, alteration or renovation required for and compatible with the physical development, improvement of land or buildings for public park, conservation, historical, recreation or library purposes.

"Educational facility." A facility owned by the State System of Higher Education.

"Fund." The Keystone Recreation, Park and Conservation Fund established in this act.

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

"Historic site." Any public land or building, structure, object, district, area or site significant in the history, architecture, maritime heritage, archaeology or culture of the United States, the Commonwealth or any of its municipalities.

"Land." Any real property, including improvements thereon, right-of-ways, water, riparian and other rights, easements, privileges and any other physical property or rights of interest of any kind or description relating to or connected with real property.

"Land trust." A nonprofit conservation or preservation organization, conservancy or land trust whose primary purpose is the conservation and preservation of open space, park lands or natural areas for public benefit. Any qualified organization shall be tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), registered with the Pennsylvania Commission on Charitable Organizations and have an existence for at least five consecutive years.

"Library." Any free, public, nonsectarian library, whether established and maintained by a municipality or by a private association, corporation or group, which serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible by providing free access, including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

"Municipality." Any county, city, borough, incorporated town, township, home rule municipality or any official agency created by the foregoing units

of government under the laws of this Commonwealth. Any of the actions of an authority or other official agency taken under this act shall be first approved by the participating local governing bodies in that authority or other official agency.

“Natural areas.” Any area of land, water or both land and water which is important in preserving flora, fauna, native ecological systems, geological, natural historical, open space, scenic or similar features of scientific or educational value benefiting the citizens of this Commonwealth.

“Planning.” Comprehensive park and recreation plans, master site development plans, feasibility studies, natural area studies, inventories, greenways and open space plans, maintenance management plans and other plans and documents useful to municipalities, State agencies and land trusts in the planning, development, operation, protection and management of their public recreation, park, historic natural areas, facilities and programs. Planning may be performed by State agency staff or by outside consultants.

“Recreational areas.” Public buildings, structures, facilities, lands and waters for any related public recreation purpose such as, but not limited to, playgrounds, swimming facilities, athletic fields, courts, maintenance buildings, trails, recreational and environmental centers used for such active and passive purposes, including, but not limited to, public parks, fishing, hunting, boating, educational purposes or preservation of scenic sights or areas of historical significance.

“Rehabilitation.” The improvement or restoration, excluding routine maintenance, of existing public indoor or outdoor natural areas, historic, recreational, park and library facilities.

“Technical assistance.” The provision of grant and professional service to municipalities, organizations and citizens, including, but not limited to, publications, video tapes, workshops, meetings, phone consultation and written and electronic communication.

“Zoo.” Any accredited and licensed zoological park or other area, whether established and maintained by a municipality or by a private nonprofit association, corporation or group, which houses a collection of varied living animals and which actively participates in wildlife conservation, education and recreation programs and which serves to increase the understanding of and appreciation for living animals.

Section 4. Keystone Recreation, Park and Conservation Fund.

(a) Establishment.—There is hereby established in the State Treasury a restricted receipt account to be known as the Keystone Recreation, Park and Conservation Fund to provide moneys necessary to implement the provisions of this act.

(b) Source of funds.—All proceeds from the sale of bonds or notes as approved under section 5 and the monthly transfer of a portion of the State Realty Transfer Tax shall provide the necessary moneys for the fund.

(c) Appropriations.—All moneys in the fund are hereby appropriated on a continuing nonlapsing basis to the designated agencies in the amounts set

forth in section 12. No funds shall be expended by any agency without authorization by the Governor.

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

Section 5. Referendum.

(a) Question.—The question of incurring indebtedness of \$50,000,000 for the purposes of planning, acquisition, development, rehabilitation and improvement of parks and recreational facilities, natural areas, historic sites, zoos and libraries shall be submitted to the electors at the next primary, municipal or general election following enactment of this act.

(b) Certification.—The Secretary of the Commonwealth shall certify the form of the question under subsection (c) to the county boards of elections.

(c) Form of question.—The question shall be in substantially the following form:

Do you favor the incurring of indebtedness by the Commonwealth of \$50,000,000 to provide for the funding of nature preserves and wildlife habitats and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries.

(d) Election.—The election shall be conducted at the next occurring general or municipal election following the effective date of this act, in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(e) Proceeds.—Proceeds of borrowing shall be deposited in the Keystone Recreation, Park and Conservation Fund and shall be used to implement the provisions of this act.

Section 6. Commonwealth indebtedness.

(a) Borrowing authorized.—

(1) Subject to the approval of the electorate of the referendum set forth in section 5 and under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the issuing officials are authorized and directed to borrow over a three-year period, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$50,000,000, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of this act.

(2) As evidence of the indebtedness authorized in this act, general obligation bonds of the Commonwealth shall be issued, from time to time, to provide moneys necessary to carry out the purposes of this act for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the

first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of this act shall bear facsimile signatures of the issuing official and a facsimile of the great seal of the Commonwealth and shall be countersigned by a duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon, as it becomes due, and the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes except as may be provided under Article XVI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(7) The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the programs to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each program as specified by the issuing officials but in no case in excess of 30 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and retire the outstanding debt with accrued interest, any premium payable thereon and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect thereto shall be governed by the provisions of this section insofar as they may be applicable. Refunding bonds, which are not subject to the aggregate limitation of \$50,000,000 of debt to be issued pursuant to this act, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) Whenever any action is to be taken or decision made by the Governor, the Auditor General and the State Treasurer acting as issuing officials and the three officers are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(10) Issuing officials shall mean the Governor, the Auditor General and the State Treasurer.

(b) Sale of bonds.—

(1) Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may in their discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of this act shall be paid into the Keystone Recreation, Park and Conservation Fund in the State Treasury and are specifically dedicated to the purposes of this act. The proceeds shall be paid by the State Treasurer periodically to those agencies authorized to expend them at such times and in such amounts as may be necessary to satisfy the funding needs of the agency. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the payment of principal, the accrued interest and premium, if any, and cost of redemption of the bonds and notes for which the obligations shall have been issued.

(6) Pending their application for the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds

shall be paid into the State Treasury to the credit of the fund.

(7) The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the issuing officials.

(8) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act and the payment of interest arbitrage rebates or proceeds of such bonds and notes.

(c) Temporary financing authorization.—

(1) Pending the issuance of bonds of the Commonwealth as authorized, the issuing officials are hereby authorized, in accordance with the provisions of this act and on the credit of the Commonwealth, to make temporary borrowings not to exceed one year in anticipation to the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement or agreements or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the same, which agreements may contain provisions not inconsistent with the provisions of this act as may be authorized by the issuing officials.

(2) All temporary borrowings made under the authorization of this section shall be evidenced by notes of the Commonwealth, which shall be issued, from time to time, for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and condition of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the issuing officials shall authorize and direct and in accordance with this act. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes, which replacement notes shall, upon issuance thereof, evidence such borrowing, and may specify such other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as the issuing officials may determine and direct.

(3) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or

other institutions or persons in the United States having the power to enter the same:

(i) To purchase or underwrite an issue or series of issues of notes.

(ii) To credit, to enter into any purchase, loan or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(iii) To appoint as issuing and paying agent or agents with respect to notes.

(iv) To do all acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and the principal of such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof, and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates (or procedures for establishing such rates from time to time), rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the issuing officials.

(5) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as hereinafter authorized. The refunding bonds must be issued and sold not later than a date one year after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of this act.

(d) Debt retirement.—

(1) All bonds issued under the authority of this act shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Keystone Recreation, Park and Conservation Sinking Fund, which is hereby created.

For the specific purpose of redeeming the bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Keystone Recreation, Park and Conservation Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity. All moneys paid into the Keystone Recreation, Park and Conservation Sinking Fund and all of the moneys not necessary to pay accruing interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year, the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the provisions of this act and the status of the Keystone Recreation, Park and Conservation Sinking Fund of the Commonwealth for the payment of interest on the bonds and notes and the principal thereof at maturity.

(3) The General Assembly shall appropriate an amount equal to the sums that may be necessary to meet repayment obligations for principal and interest for deposit into the Keystone Recreation, Park and Conservation Sinking Fund.

(e) Annual limitation on debt obligations issued.—Bonds and notes, not including refunding bonds or replacement notes, as authorized herein, shall not be issued in the aggregate principal amount of more than \$35,000,000 during any one State fiscal year.

(f) Expiration.—Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purposes of this act shall expire five years from the effective date of this section.

Section 7. Allocation of State Realty Transfer Tax revenues.

Beginning July 31, 1994, and at the end of each month thereafter, the State Treasurer shall transfer to the Keystone Recreation, Park and Conservation Fund 15% of the previous month's revenues from the tax imposed under section 1102-C of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. Upon the enactment of an increase of the tax imposed under section 1102-C of the act, the amount transferred each month pursuant to this section shall not exceed the amount which would have been collected had the tax increase not been enacted. Moneys transferred to the fund from State Realty Transfer Tax revenues shall not be made available for expenditure until the fiscal year beginning July 1, 1995.

Section 8. Duties, responsibilities and limitations on agencies.

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

(b) Department of Environmental Resources.—

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

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

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

(2) The department shall expend Realty Transfer Tax revenues appropriated from the Keystone Fund for the following purposes:

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

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

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

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

(c) Department of Community Affairs.—

(1) The Department of Community Affairs shall provide grants of bond revenues and realty transfer tax revenues to municipalities for the following purposes:

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

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

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

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

(2) The Department of Community Affairs shall provide grants of bond revenues and realty transfer tax revenues to land trusts to pay up to 50% of eligible project costs for natural areas and open space planning and acquisition. Any land acquired under this paragraph shall be open to those public uses that are consistent with the purposes for which the land was

acquired. Temporary limitation of public access for the purpose of protecting or restoring the natural resources of an area shall not be considered a violation of this paragraph. The Department of Community Affairs, in consultation with the Department of Environmental Resources, shall adopt project selection criteria that give priority to acquisitions of critical habitat for rare, threatened or endangered plant or animal species or communities which are at risk of destruction or substantial degradation.

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

(d) Department of Education.—The Department of Education shall provide grants from bond revenues and realty transfer tax revenues to municipalities to pay up to 50% of eligible project costs for planning, acquisition, development and rehabilitation of public libraries.

(e) Pennsylvania Historical and Museum Commission.—The Pennsylvania Historical and Museum Commission shall utilize bond revenues and realty transfer tax revenues for planning, acquisition, development and rehabilitation of Commonwealth-owned historic sites and museums and to provide grants to nonprofit organizations and public agencies for the planning, acquisition and rehabilitation of publicly accessible historic sites listed in or eligible for the National Register of Historic Places.

(f) State System of Higher Education.—The State System of Higher Education shall utilize realty transfer tax revenues for deferred maintenance.

(g) Pennsylvania Fish and Boat Commission.—The Pennsylvania Fish and Boat Commission shall utilize bond revenues for planning, acquisition, development and rehabilitation of fishing and boating access areas, recreation areas and natural areas and for technical assistance.

(h) Pennsylvania Game Commission.—The Pennsylvania Game Commission shall utilize bond revenues for planning, acquisition, development and rehabilitation of game lands, recreation areas and natural areas and for technical assistance.

(i) Administrative expense limitation.—Administrative expenses for agencies administering these programs shall be limited to 5% of the funding received by the agency for these programs.

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

Section 9. Annual reports.

Beginning on January 31, 1995, and annually thereafter, the Department of Environmental Resources, the Department of Community Affairs, the Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission shall submit to the Governor and the General Assembly an annual report of projects and

services provided by funding from this act.

Section 10. Property restrictions.

Recipients of grants or funds under this act 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 head of the agency, as appropriate. Should disposition or conversion occur, the agency may:

(1) Require the recipient to refund all grant funds for the 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 by the recipient of equivalent replacement land, as determined by the agency.

Section 11. Federal programs.

The agencies may utilize any available Federal programs and funds to augment the funds made available to the agencies under the provisions of this act.

Section 12. Allocation from fund.

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

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

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

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

Section 13. Waivers.

(a) One-year exemption from review.—In order to facilitate the speedy implementation of this program, the agencies 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 shall be effective for a period not to exceed one year from the effective date of this act.

(b) Expiration of exemption.—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.

Section 14. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 15. Effective date.

This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 1993.

MARK S. SINGEL
ACTING GOVERNOR