

No. 1988-72

AN ACT

HB 1731

Amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, adding provisions relating to the Pennsylvania Historical and Museum Commission, publications and historical societies; reestablishing the Pennsylvania Historical and Museum Commission; further providing for the powers and duties of the commission; providing for the Brandywine Battlefield Park Commission and the Washington Crossing Park Commission; establishing an official flagship of Pennsylvania; abolishing certain advisory boards; adding provisions relating to concurrent jurisdiction; and making repeals.

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

Section 1. Title 37 of the Pennsylvania Consolidated Statutes is amended by adding chapters to read:

**TITLE 37
HISTORICAL AND MUSEUMS**

Chapter

- 1. General Provisions
- 3. Powers and Duties of Pennsylvania Historical and Museum Commission
- 5. Historic Preservation
- 7. Historic Properties
- 9. Concurrent Jurisdiction

**CHAPTER 1
GENERAL PROVISIONS**

Sec.

- 101. Short title of title.
- 102. Declaration of policy.
- 103. Definitions.
- 104. Pennsylvania Historical and Museum Commission.

§ 101. Short title of title.

This title shall be known and may be cited as the History Code.

§ 102. Declaration of policy.

It is hereby determined and declared as a matter of legislative finding and policy that:

(1) Section 27 of Article I of the Constitution of Pennsylvania makes the Commonwealth trustee for the preservation of the historic values of the environment.

(2) The conservation of Pennsylvania's historic and natural heritage and the preservation of public records, historic documents and objects of historic interest, and the identification, restoration and preservation of architecturally and historically significant sites and structures are duties vested primarily in the Pennsylvania Historical and Museum Commission.

(3) The irreplaceable historical, architectural, archaeological and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations.

(4) The preservation and protection of historic resources in this Commonwealth promotes the public health, prosperity and general welfare.

(5) The rapid social and economic development of our contemporary society threatens to destroy the remaining vestiges of our historic heritage.

(6) It is in the public interest for the Commonwealth, its citizens and its political subdivisions to engage in comprehensive programs of historic preservation for the enjoyment, education and inspiration of all the people, including future generations.

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Archaeological field investigation." The study of cultural history at any archaeological site by professionally accepted means of surveying, sampling, excavation or removal of archaeological specimens.

"Archaeological specimens." All artifacts, remains, objects or any other evidence of historic, prehistoric or anthropological value, whether found above or below the surface of the earth.

"Commission." The Pennsylvania Historical and Museum Commission of the Commonwealth.

"Executive director." The executive director of the commission.

"Historic preservation." The research, restoration, rehabilitation and other activities furthering the protection, enhancement, preservation or enjoyment of historic resources.

"Historic property." Any historical building, ground, monument or cultural remain committed by statute to the custody of the commission.

"Historic resource." A building, structure, object, district, place, site or area significant in the history, architecture, maritime heritage, archaeology or culture of this Commonwealth, its communities or the nation.

"Pennsylvania Register of Historic Places." A selected inventory of historic resources determined by the commission to be significant in the history, architecture, archaeology or culture of this Commonwealth, its communities or the nation.

"Private historical organization." An organization constituted to engage in professional or nonprofessional activities within the disciplines of

history, archaeology, museum management, natural history, the arts or historic preservation on an academic, scholarly or popular basis.

“Public officials.” Officers, agents and employees of the Federal Government, Commonwealth of Pennsylvania, or any of its political subdivisions.

“Qualified historical or archaeological society.” A private historical or archaeological organization or other historical society which satisfies the requirements provided in section 307 (relating to qualified historical and archaeological societies).

§ 104. Pennsylvania Historical and Museum Commission.

(a) Membership.—The Pennsylvania Historical and Museum Commission shall consist of the Secretary of Education, or his designee; nine residents of this Commonwealth appointed by the Governor with the advice and consent of a majority of the members elected to the Senate; and four members of the General Assembly, two from the Senate, one of whom shall be appointed by the President pro tempore and one by the Minority Leader, and two from the House of Representatives, one of whom shall be appointed by the Speaker and one by the Minority Leader.

(b) Term of office.—A member appointed from the General Assembly shall serve for a term to expire with his concurrent term as a legislator and shall serve until a successor is appointed and qualified, unless he is not elected for the next succeeding term as a member of the General Assembly, in which case a vacancy shall occur. Members other than the members of the General Assembly shall serve for a term of four years and shall serve until a successor is appointed and qualified.

(c) Chairman.—One of the members shall be designated by the Governor to serve as chairman of the commission.

(d) Quorum.—Eight members shall constitute a quorum.

(e) Attendance at meetings.—A member who fails to attend three consecutive meetings shall forfeit his seat unless the chairman of the commission, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

(f) Public hearings.—The commission shall hold public hearings in various locations throughout this Commonwealth at such places and times as it may deem appropriate.

(g) Executive director.—The commission shall appoint an executive director who shall attend to the administrative work of the commission. The executive director shall serve at the pleasure of the commission, which shall fix his compensation, subject to the approval of the Governor. No member of the commission or person who has served as a member of the commission within one year shall be eligible for appointment as executive director.

(h) Historical Preservation Fund.—The money collected by the commission from all fees, sales and other activities shall be paid into the State Treasury through the Department of Revenue and credited to the Historical Preservation Fund. The money in the fund may be used by the commission and is hereby appropriated to it in exercising its powers and performing its duties as set forth in this title.

CHAPTER 3
POWERS AND DUTIES OF
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Sec.

- 301. General powers and duties.
- 302. Specific powers and duties.
- 303. Sites.
- 304. Personal property.
- 305. Documents.
- 306. Publications and reproductions.
- 307. Qualified historical and archaeological societies.

§ 301. General powers and duties.

The commission shall have the power and duty to:

- (1) Serve as the official agency of the Commonwealth for the conservation of Pennsylvania's cultural heritage.
- (2) Preserve public records, historical documents and objects of historical interest, possession and control of which have been transferred to the commission.
- (3) Initiate, encourage, support and coordinate and carry out historic preservation efforts in this Commonwealth.
- (4) Provide for historical research and interpretation and public access to this heritage.

§ 302. Specific powers and duties.

The commission shall have the power and duty to:

- (1) Pecuniary gifts.—Accept, on behalf of the Commonwealth, gifts and bequests, including securities, for the endowment of its work in accordance with the instructions of the donors and in conjunction with the Governor and State Treasurer, who shall, together with the members of the commission, constitute a body of trustees for the care of these funds. These trustees shall invest the funds in bonds of the Commonwealth or any of its political subdivisions and employ the interest and income from these investments for the purposes of the commission or apply these funds to the uses specified by the respective donors of the funds. Any donor of money or other property may specify that the donation shall be held in the form acquired, or shall be invested in or converted into some other specific property or class of investment, in which case the trustees shall be relieved of all liability which may result from the imprudent investment of the money so long as they comply with the instructions of the donor.
- (2) Independent and cooperative services or programs.—Upon its own initiative or in cooperation with historical societies or organizations, conduct investigations upon historical or archaeological matters relative to this Commonwealth and report the findings for public information; with the approval of the Governor, enter into agreements with responsible historical associations, foundations and similar private organizations or with Federal agencies or public agencies of other states in order to carry on services or programs.

(3) Archaeological and anthropological investigations.—Examine, or cause to be examined, research or excavate the occupation or activity sites or areas and the cultural material remains of Native American, Colonial American and more recent American cultures in this Commonwealth, under the professional direction of the commission through the techniques of archaeology, anthropology and history; acquire, by purchase, gift or fieldwork, archaeological or anthropological collections of objects and data relative to the cultural history of this Commonwealth; conduct, or cause to be conducted, archaeological site surveys to locate, catalog, assess and permanently record these historic resources throughout this Commonwealth; maintain a central repository for map locations and written descriptions of such sites and historic resources; conduct, or cause to be conducted, research upon the cultural objects and data related to the cultural history of this Commonwealth and interpret the results of the research in scientific and popular publications, exhibits and special educational programs for the public; and undertake appropriate conservation, research, restoration and storage of all material items and data relative to the cultural heritage of this Commonwealth, which accrue to the archaeological and anthropological collections of the commission.

(4) Cooperation with qualified historical or archaeological societies.—Cooperate with any qualified historical or archaeological society in investigations of historical or archaeological matters relating to this Commonwealth and in arranging, cataloging, displaying and microfilming collections of historical papers and documents, and objects or materials relative to the natural or cultural history of this Commonwealth, and otherwise encourage their activities.

(5) Historical commemorations.—Develop, coordinate and carry out plans for celebrations commemorating important historical events, which shall be selected by the commission or the General Assembly upon passage of a concurrent resolution, in cooperation with qualified historical or archaeological societies and other responsible organizations.

(6) Geographic names.—Determine all unsettled questions concerning geographic names which arise in any department and determine the names of mountains, rivers, creeks and other topographic features in this Commonwealth. In the exercise of its powers and the performance of its duties under this paragraph, the commission shall cooperate with the United States Board on Geographic Names.

(7) Procurement of expert advice.—Consult with or procure the advice of experts in archaeology, anthropology, history, historical restoration, archival management, museum work or other fields related to its activities, compensate them for their services and establish committees of experts as needed to procure the advice.

(8) Museum assistance and local history grant program.—Establish and administer the museum assistance and local history grant program. The commission shall be required to approve all individual grants. All such grants shall be subject to audit review by the commission.

(9) **Advisory boards.**—Create such advisory boards as the commission may deem appropriate to perform duties designated by the commission. The names of proposed members of such advisory boards shall be submitted to the Governor for approval.

(10) **Police powers.**—Exercise the police powers necessary to enforce the law, including the rules and regulations of the commission. Authorized employees shall have full power to make arrests, with or without warrant, for all violations of law which they may witness upon the premises of any historic property to which they are assigned and may serve and execute warrants issued by proper authorities for any violation of law committed thereon.

(11) **Rules and regulations.**—Promulgate rules and regulations necessary for the implementation of its powers and duties.

(12) **Annual reports.**—Annually transmit to the State Government Committees of the House of Representatives and the Senate a report which includes the following:

(i) A summary of the overall condition of museums and historic sites and holdings, including staffing levels and site visits by senior management personnel.

(ii) A report on the operation of the Conservation Center.

(iii) A summary of all publications completed by the commission during the prior year.

(iv) A summary of collection deaccessioning activities.

(v) A summary of the progress in computerization of collections and inventories.

§ 303. Sites.

The commission shall have the power and duty to:

(1) **Museums and historic sites.**—Control, direct, supervise, manage and annually inspect the State Museum and those field or regional museums and historic sites authorized or created by statute; conduct continuing studies for the improvement of museum activity; and operate, control, direct, supervise and manage a public outreach program, including a mobile museum program or a program of traveling exhibits.

(2) **Marking historical and archaeological sites.**—Upon its own initiative or upon petition of a municipality or historical society, mark by proper monuments, tablets or markers, bearing the Commonwealth crest, places or buildings in this Commonwealth where historical or cultural events have transpired or, with the consent of the state or county having jurisdiction, places or buildings outside of this Commonwealth having to do with its history; and arrange for the care or maintenance of these markers or monuments.

(3) **Management of historic properties.**—Based upon accepted professional museum practices, assume the preservation, care and maintenance of historic property, including those historic properties listed in section 702 (relating to powers over certain historic property); promulgate and enforce rules and regulations for the visitation of historic property by the public; and charge admission fees to historic property at its discretion,

which fees shall be paid into the State Treasury through the Department of Revenue and credited to the Historical Preservation Fund.

(4) Preservation and restoration of historical and archaeological sites.—Undertake the preservation or restoration of public buildings, military sites or monuments connected with the history of this Commonwealth; contract with political subdivisions, historical societies or other associations, with proper bond or security, for the maintenance of these building sites or monuments as a consideration for assistance in their erection, restoration, preservation or marking by the commission; and take title to sites of historical markers in the name of the Commonwealth.

(5) Approval of memorials.—Approve the design, content and proposed location of all official historical monuments, memorials, buildings, tablets and inscriptions proposed for erection or placement on any real property of the Commonwealth.

(6) Monuments and markers.—Approve the inscription and proposed location of any historical monument or marker to be erected or placed by any public or private corporation, association, society, organization or person at any place in this Commonwealth.

(7) Geographical signs and markers.—Approve the inscription to be placed on official signs or markers to be erected or renewed on or along any highway at the entrance to a municipality or village, or at or near any river, stream, historical place or other place of interest in this Commonwealth, by the Department of Transportation or by any municipality, for the purpose of identification or for the purpose of giving historical facts concerning the location.

§ 304. Personal property.

The commission shall have the power and duty to:

(1) Historical artifacts.—Acquire or accept on behalf of the Commonwealth through gifts or bequests, objects or other articles of historical, archaeological, maritime, natural or geological interest which shall be deposited in the State Museum or, at the discretion of the commission, at historic sites and museums committed to its custody or in any other storage facilities as are available to and approved by the commission. The commission may inspect surplus property in the possession of other Commonwealth agencies and receive this property as an historic resource.

(2) Exhibition of objects.—Conduct under accepted professional practices the management and exhibition of objects; acquire by purchase, gift, loan, bequest or other lawful transfer objects relating to the culture of this Commonwealth and examine, research, catalog and preserve them; manage, care and exhibit these objects in the areas of natural history, geology, military history, decorative arts, history, maritime history, fine arts, science, industry and technology; select and designate the objects to be exhibited in museums and historic sites in this Commonwealth, including the State Museum; interpret the results of such management and exhibition of objects in museum and academic publications, exhibits and special educational programs for the public; and undertake appropriate professional conservation, restoration and storage of all objects and material items relative to the history of this Commonwealth.

(3) Lending historic resources.—Lend to any other museum, archival repository, historical society or other reliable organized group of an educational nature any objects, articles of historical interest, manuscripts, documents or other material committed to its custody. The commission shall adopt rules and regulations to provide adequate security for the safe return of the material, which shall include provision for full insurance protection of the loaned material.

(4) Sale or other disposition.—Exchange or otherwise dispose of material with other museums, archival repositories, historical societies or other reliable organized groups of an educational nature; and sell at public auction historical artifacts, pursuant to its rules and regulations, provided that an historical artifact shall not be sold at public auction unless the commission has determined that the exchange or disposal of that artifact by the other means authorized by this paragraph is not feasible and that the property would not be beneficial to the commission if it were used other than as an artifact. If the original donor was an individual, the original donor shall be notified, if he can be located, and, if the original donor is deceased, his children shall be notified, if they can be located, and be given an opportunity to reacquire the object, prior to its being offered at auction. If the original donor was not an individual, the original donor shall be notified, if it or its successor can be located, and be given an opportunity to reacquire the object, prior to its being offered at auction. The opportunity of an original donor to reacquire an object shall not be construed to diminish the commission's control over an historical artifact subsequent to its acquisition by the commission and prior to its disposition. These sales shall be conducted by the Department of General Services. Income produced through these sales shall be paid into the State Treasury through the Department of Revenue and credited to the Historical Preservation Fund and allocated solely for collection acquisition or conservation purposes. No unique object, article, manuscript, document or other material, which is of special significance to the history of this Commonwealth, shall be sold.

(5) Notice requirements.—Give written notice of the proposed sale, including a description of the artifact and its condition, and the name and last known address of the donor shall be transmitted to the chairmen of the State Government Committees of the House of Representatives and of the Senate, respectively, before any historic artifact shall be sold pursuant to paragraph (4).

§ 305. Documents.

The commission shall have the power and duty to:

(1) Research on Commonwealth documents.—Examine and copy or microfilm any public records within the control of a Commonwealth agency for the purposes of historical research.

(2) Preservation of public records.—Preserve all public records throughout this Commonwealth and give special attention to the preservation of all records of the Commonwealth not in current use and of historical value; negotiate for the transfer and receipt of public records from any

Commonwealth agency or political subdivision; and provide for the disposition of records not needed or useful in the transaction of current or anticipated future work of the Commonwealth under section 524 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The commission shall be the legal custodian of any public records transferred to it by any Commonwealth agency or political subdivision. The head of any Commonwealth agency or political subdivision may transfer to the commission public records legally in his custody not needed for the transaction of the business of the office whenever the commission is willing to receive and care for them.

(3) Management of historical documents.—Collect, classify, preserve and make available for reference all records which may come into its possession with the exceptions indicated by the commission; and examine the condition of the public records, books, pamphlets, documents, manuscripts, archives, maps and papers filed or recorded in any Commonwealth agency or political subdivision. The executive director or any employees authorized by him shall have reasonable access to all public records in this Commonwealth for the purpose of examining them and shall report to the commission on their condition.

(4) Regulation of Commonwealth records.—Recommend such action be taken by the persons having the care and custody of public records as may be necessary to secure their safety and preservation; cause all laws relating to public records to be enforced; and recommend and enforce uniform standards governing the use of paper, ink and filing procedure for all records and papers of Commonwealth agencies and political subdivisions that are considered of permanent historical importance.

(5) Certificates relating to public records.—Furnish certificates relating to public records, or copies thereof, upon the payment of fees established by the commission or otherwise fixed by law.

(6) Land records.—Maintain and preserve:

(i) Records of the first titles acquired by the proprietaries and the Commonwealth to all the lands within its boundaries.

(ii) Records of all lands and conveyances from the proprietaries and the Commonwealth to the purchasers of the land.

(iii) Papers relating to the surveys of this Commonwealth and county lines and the reports of commissioners relating to the boundary lines of this Commonwealth.

(iv) Maps and other papers pertaining to the colonial history of this Commonwealth.

(v) Contracts, section profile maps and other records relating to public works.

(vi) All other relevant records relating to titles of real estate acquired by the Commonwealth.

§ 306. *Publications and reproductions.*

The commission shall have the power and duty to:

(1) General.—Publish or republish, either through the Department of General Services or cooperatively by and with private historical organiza-

tions, materials of historical or archaeological interest; compile, edit and print these publications; enter into agreements with publishers to subsidize the publication of books on Pennsylvania history, archaeology, anthropology, art, cartography, folklore and other cultural elements of Pennsylvania's heritage by agreeing to purchase a sufficient number to make publication possible, but these agreements shall be subject to the approval of the Governor and the State Treasurer; produce or reproduce facsimiles of historical material and enter into agreements to subsidize the manufacture of facsimiles of historical material by agreeing to purchase a sufficient number to make manufacture possible, but these agreements shall be subject to the approval of the Governor and the State Treasurer; and sell publications, reprints of publications, reproductions or replicas, postcards and souvenirs of an historical nature at the State Museum and at the other historic properties and museums administered by the commission.

(2) Official repositories.—Establish one official repository for its publications from among the qualified historical or archaeological societies within each of the geographic areas established and defined by the Department of Community Affairs as "Standard Regions." The Pennsylvania State Library and the Library of Congress shall also be official repositories for commission publications.

(3) Disposition of commission publications.—Make one copy of each commission publication available at cost to all qualified historical or archaeological societies; and deliver one copy of each commission publication without charge to each official repository. The commission is excluded from the provisions of section 2406 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(4) Proprietary rights to subscription lists.—Maintain proprietary rights over subscriber, membership or address lists that it creates which are excluded from provisions of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

§ 307. Qualified historical and archaeological societies.

Any historical or archaeological society in this Commonwealth shall be deemed to be a qualified historical or archaeological society if it:

(1) Has at least 100 paid members, has been organized at least two years and has been incorporated as a corporation not-for-profit.

(2) Holds at least one public meeting annually at which papers are read or discussions held on historical or archaeological subjects.

(3) Has adopted a constitution and bylaws and has elected proper officers to conduct its business.

(4) Has either established a museum or library in which books, documents, papers and other objects of historical and cultural interest are deposited or has made periodic publications totaling at least 25 pages each year relating to the history of this Commonwealth or of the area in which the society is located.

CHAPTER 5
HISTORIC PRESERVATION

Sec.

- 501. Short title of chapter.
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- 510. Approval of construction affecting historic resources.
- 511. Criminal penalties.
- 512. Enforcement of historic preservation laws and policies.

§ 501. Short title of chapter.

This chapter shall be known and may be cited as the Historic Preservation Act.

§ 502. Powers and duties of commission.

In addition to the powers and duties provided in Chapter 3 (relating to powers and duties of Pennsylvania Historical and Museum Commission), the commission shall have the power and duty to:

(1) Initiate and coordinate a Statewide survey to identify and document the historic resources in this Commonwealth, whether publicly or privately owned.

(2) Compile, maintain, revise and publish a selected inventory of significant historic resources in this Commonwealth, to be known as the Pennsylvania Register of Historic Places, pursuant to criteria of significance approved by the commission.

(3) Conduct research and compile documentation regarding historic resources.

(4) Prepare a comprehensive plan for the preservation of the historic resources in this Commonwealth, including suggested priorities for the allocation of public and private financial resources.

(5) Undertake the activities necessary to qualify the Commonwealth for participation in programs and sources of Federal assistance for purposes of historic preservation.

(6) Provide information and advice on historic resources and appropriate preservation procedures to public officials, private individuals and organizations.

(7) Advise public officials regarding the planning and implementation of undertakings affecting historic resources.

(8) Provide technical and financial assistance to public officials, private individuals and organizations engaged in historic preservation activities.

(9) Undertake activities to stimulate public interest in historic preservation, including publications, newsletters and conferences.

(10) Coordinate and comment upon activities of public officials affecting historic resources and preservation activities.

(11) Solicit, receive and utilize funds from any public or private source for purposes of historic preservation.

(12) Acquire easements in properties of historic, architectural and archaeological significance by gift, purchase, devise or any other lawful transfer when acquisition is necessary for the preservation thereof.

(13) Rent or lease historic resources and associated properties for purposes of historic preservation.

(14) Contract with other states, public officials in this Commonwealth or private individuals and organizations for purposes of historic preservation.

§ 503. Inclusion of property on register.

The owner of private property of historic, architectural or archaeological significance, or a majority of the owners of private properties within a proposed historic district, shall be given the opportunity to concur in, or object to, the nomination of the property or proposed district for inclusion on the Pennsylvania Register of Historic Places. If the owner of the property, or a majority of the owners of the properties within the proposed historic district, object to the inclusion, the property shall not be included on the register.

§ 504. Historic Preservation Board.

(a) **Membership.**—The board shall be composed of no less than nine residents designated by the commission, pursuant to recommendations by the executive director with the approval of the Governor. The board shall include at least one member with demonstrated competence in each of the following disciplines: architecture, archaeology, architectural history, history and historic preservation.

(b) **Term of office.**—Members shall serve for a term of two years without compensation, other than reimbursement for actual and necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations, and shall serve until a successor is appointed and qualified.

§ 505. Powers and duties of board.

The Historic Preservation Board shall have the power and duty to:

(1) Advise the commission on criteria of significance for inclusion of historic resources on the Pennsylvania Register of Historic Places.

(2) Review and recommend nominations of historic resources to the National Register of Historic Places.

(3) Review and comment upon the commission's comprehensive preservation plan for historic resources within this Commonwealth.

(4) Undertake any other activity determined by the commission to be necessary or desirable for the preservation of historic resources.

§ 506. Archaeological field investigations on Commonwealth land.

(a) **Right to conduct field investigations.**—The Commonwealth reserves the exclusive right to conduct archaeological field investigations on archaeo-

logical resources owned or controlled by it, in order to protect and preserve archaeological specimens and information. The specimens and information shall remain the property of the Commonwealth and shall be utilized for scientific and public educational purposes.

(b) **Responsibility of commission.**—The commission shall be responsible for the preservation, protection and proper investigation of archaeological resources located on land owned or controlled by the Commonwealth, including any submerged land owned or controlled by the Commonwealth.

(c) **Survey of archaeological resources.**—The commission shall conduct surveys and prepare maps of archaeological resources located on lands in this Commonwealth and may make available the results of these surveys to the Federal Government, Commonwealth agencies and political subdivisions conducting activities which would affect these archaeological resources. The commission shall have and maintain proprietary rights over the maps and surveys indicating the location of archaeological resources or archaeological field investigations that have been inventoried or surveyed. These maps and surveys are excluded from the provisions of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(d) **Permits for field investigations.**—The commission may issue permits for archaeological field investigations, subject to any restraints and conditions it prescribes, if the investigation is undertaken with the purpose of disseminating the knowledge gained and if the applicant agrees to submit to the commission a summary written report of the investigation, containing relevant maps, documents, drawings and photographs. All archaeological specimens collected pursuant to a permit issued under this subsection shall be the exclusive property of the Commonwealth, and the commission shall make appropriate arrangements for their disposition and study.

§ 507. **Cooperation by public officials with the commission.**

(a) **General rule.**—Commonwealth agencies and political subdivisions shall cooperate fully with the commission in the preservation, protection and investigation of archaeological resources and to that end shall:

(1) Notify all potential permittees, contractors or other persons whose activities may affect archaeological sites that the estimated cost of archaeological surveys or archaeological field investigations is required to be included within their bid or application for a permit.

(2) Notify the commission before undertaking any Commonwealth or Commonwealth-assisted permitted or contracted projects that may affect archaeological sites.

(3) Notify the commission when they become aware of any undertaking in connection with any Commonwealth or Commonwealth-assisted permitted or contracted project, activity or program which affects or may affect an archaeological site, and provide the commission with information concerning the project, program or activity.

(b) **Survey or investigation by commission.**—Upon notification or determination that an archaeological resource is or may be adversely affected, the commission may, within 60 days after reasonable notice to the Commonwealth agency or political subdivision, conduct a survey or other investiga-

tion to recover, preserve or otherwise protect information from the archaeological resource, provided that this subsection shall not apply if a Commonwealth agency or a political subdivision notified the commission in writing of the potential effect of a proposed action on an archaeological resource and the commission does not advise that Commonwealth agency or political subdivision within 60 days that it intends to conduct a survey or investigation.

§ 508. Interagency cooperation.

Commonwealth agencies shall:

(1) Consult the commission before demolishing, altering or transferring any property under their ownership or control that is or may be of historical, architectural or archaeological significance.

(2) Seek the advice of the commission on possible alternatives to the demolition, alteration or transfer of property under their ownership or control that is on or may be eligible for the Pennsylvania Register of Historic Places.

(3) Initiate measures and procedures to provide for the maintenance by means of preservation, rehabilitation or restoration of historic resources under their ownership or control that are listed on or are eligible for the Pennsylvania Register of Historic Places.

(4) Institute procedures and policies to assure that their plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth.

(5) Submit the procedures and policies described in paragraphs (3) and (4) to the commission for review and comment.

§ 509. Transfer of Commonwealth land involving historic resources.

Commonwealth agencies shall give the commission timely notice of proposed transfers of real property owned or controlled by the Commonwealth. Upon recommendation of the commission, Commonwealth agencies may condition the transfer and may execute covenants, deed restrictions or other contractual arrangements which will most likely result in the preservation of any historic resources located on or under the property to be transferred.

§ 510. Approval of construction affecting historic resources.

The commission shall be consulted on the design and proposed location of any project, building or other undertaking financed in whole or in part by Commonwealth funds which may affect the preservation and development of a district, site or building listed on or eligible for the Pennsylvania Register of Historic Places.

§ 511. Criminal penalties.

A person who conducts a field investigation on any land or submerged land owned or controlled by the Commonwealth, without first obtaining a permit from the commission, or a person who appropriates, defaces, destroys or otherwise alters any archaeological site or specimen located upon lands owned or controlled by the Commonwealth, except in the course of activities pursued under the authority of a permit granted by the commission, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$2,500 or to imprisonment for not more than one year, or both. In addition, such person shall forfeit to the

Commonwealth all archaeological specimens collected or excavated together with any photographs and records relating to such specimens.

§ 512. Enforcement of historic preservation laws and policies.

The Attorney General, the commission, any political subdivision, person or other legal entity may maintain an action in an administrative tribunal or court for the protection or preservation of any historic resource in this Commonwealth.

CHAPTER 7 HISTORIC PROPERTIES

Sec.

- 701. Title to historic property.
- 702. Powers over certain historic property.
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§ 701. Title to historic property.

(a) *General rule.*—Unless otherwise provided by statute with respect to particular historic property, the title to historic property shall be taken in the name of the Commonwealth and shall, before its acquisition, be certified by counsel for the commission.

(b) *Leases.*—

(1) For purposes of historic preservation, or for educational, recreational or agricultural purposes, or for parking areas or concessions for the convenience and comfort of the public, the commission may lease historic property for a period not to exceed five years to any person or organization of the Commonwealth. The commission shall lease the property in the following manner:

(i) Those sites and museums which have nonprofit allied groups whose purpose is related to the educational mission of a particular property shall receive special contract preference. In those instances where the above criteria is met, the commission shall be permitted to enter into a lease without competitive bidding.

(ii) When the criteria enumerated in subparagraph (i) are not met, sites and museums are to be leased in accordance with competitive bidding procedures, i.e. open to all profit and nonprofit organizations. All requests for bid proposals, as well as the leases, shall contain restrictions protecting the historical integrity of the site, insuring that appropriate historical preservation standards are maintained and require appropriate insurance coverage by the lessee.

(2) If a substantial capital investment is involved, the commission may, with the approval of the Governor, enter into such leases for that period required under sections 48(g)(2)(B)(vi) and 168(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §§ 48, 168) relating to investment tax credit for historic preservation.

(3) The commission shall monitor those leased properties to insure they are being managed in accordance with State law.

(4) The commission may lease historic property to a political subdivision willing to assume total fiscal and management responsibility for a period of time up to 99 years, provided that such leases contain restrictions protecting the historical integrity of the site, insuring that appropriate historical preservation standards are maintained and require appropriate insurance coverage by the lessee.

§ 702. Powers over certain historic property.

In addition to all other powers vested in the commission by this title or other statute, the commission shall exercise all powers conferred on it by law with respect to the historic properties known as:

- (1) Admiral Peary Monument.
- (2) Bloody Spring.
- (3) Brandywine Battlefield.
- (4) Brightbill Property.
- (5) Bushy Run Battlefield.
- (6) Captain Phillips' Rangers Memorial.
- (7) Cashiers House.
- (8) Conrad Weiser Homestead.
- (9) Cornwall Iron Furnace.
- (10) Curtin Village.
- (11) Daniel Boone Homestead.
- (12) David Bradford House.
- (13) Drake Well Museum.
- (14) Eckley Miners' Village.
- (15) Ephrata Cloister.
- (16) Fort Augusta.
- (17) Fort Le Boeuf Museum.
- (18) Fort Loudon.
- (19) Fort Pitt Museum.
- (20) French Azilum.
- (21) Governor Printz Park.
- (22) Graeme Park.
- (23) Harmony Society Graveyard.
- (24) Historic Peace Church.
- (25) Hope Lodge.
- (26) John Brown House.
- (27) Johnston Tavern.
- (28) Joseph Priestley House.
- (29) Judson House.
- (30) Landis Valley Museum.
- (31) Mather Mill.
- (32) McCoy House.
- (33) Monocacy Battlefield.
- (34) Morton Homestead.

- (35) Museum of Anthracite Mining.
- (36) Nathan Denison House.
- (37) Old Brown's Mill School.
- (38) Old Chester Court House.
- (39) Old Custom House.
- (40) Old Economy Village.
- (41) Old Mill Village.
- (42) Old Stone House.
- (43) Pennsbury Manor.
- (44) Pennsylvania Anthracite Heritage Museum.
- (45) Pennsylvania Lumber Museum.
- (46) Pennsylvania Military Museum.
- (47) Pithole City.
- (48) Pottsgrove Mansion.
- (49) Railroad Museum of Pennsylvania.
- (50) Robert Fulton Birthplace.
- (51) Searights Tollhouse.
- (52) Sodom School House.
- (53) Somerset Historical Center.
- (54) The Highlands.
- (55) The Pennsylvania State Archives.
- (56) The Scranton Iron Furnace.
- (57) The State Museum of Pennsylvania.
- (58) Thomas Hughes House.
- (59) Tuscarora Academy.
- (60) United States Brig Niagara.
- (61) Warrior Run Church and Cemetery.
- (62) Washington Crossing.

§ 703. Brandywine Battlefield.

(a) Park commission; membership; term of office.—The Brandywine Battlefield Park Commission shall be an independent administrative commission and shall consist of ten residents of this Commonwealth appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. The chairman of the Pennsylvania Historical and Museum Commission shall serve as an ex officio member of the park commission and may designate another member of the Pennsylvania Historical and Museum Commission or the executive director of the Pennsylvania Historical and Museum Commission to represent the chairman at meetings of the park commission. Each member of the park commission shall serve for a term of four years and shall serve until a successor is appointed and qualified. Each member shall be eligible for reappointment.

(b) Organization of park commission.—Each year on the anniversary of the Battle of Brandywine, September 11, 1777, or as near thereto as convenient, the park commission shall elect from among its members a chairman, vice chairman, secretary and treasurer. The park commission may adopt any rules of organization and procedure as it may deem appropriate and may determine the duties of its officers. Six members shall constitute a quorum.

Members of the park commission shall not receive compensation but shall receive reimbursement for their actual expenses incurred in serving on the park commission.

(c) Powers and duties of park commission.—Notwithstanding the provisions of sections 303(1) and (3) (relating to sites) and 702 (relating to powers over certain historic property), the park commission shall preserve the park as a patriotic and historic place and shall have custody, control, management and supervision of the park. The park commission shall have the powers and duties to:

(1) Submit to the Pennsylvania Historical and Museum Commission, by September 1 of each year, a report which shall include a summary of the park commission's activities during the preceding fiscal year.

(2) Submit to the Pennsylvania Historical and Museum Commission, by October 1 of each year, a preliminary plan, including a preliminary budget, for the park commission's activities during the next fiscal year.

(3) Submit to the Pennsylvania Historical and Museum Commission, by May 1 of each year, a final plan, including a final budget, for the park commission's activities during the next fiscal year.

(4) Provide for local input and foster local public support for programs and activities at the park.

(5) Encourage an appreciation of the historical significance of the park for the people of this Commonwealth.

(6) Cooperate with the Pennsylvania Historical and Museum Commission or any other Federal, State or local agency, or any private historical organization or foundation, in conducting programs or providing services to further improve or develop the park.

(7) Promulgate rules and regulations necessary for the implementation of its power and duties.

(d) Agreement between commissions.—By August 1 of each year, the Pennsylvania Historical and Museum Commission shall enter into an agreement with the park commission specifying the funding that will be made available to the park commission for the fiscal year which began on July 1 of that year. The agreement may contain other terms and conditions necessary for cooperation between the park commission and the Pennsylvania Historical and Museum Commission.

§ 704. Washington Crossing.

(a) Park commission; membership; term of office.—The Washington Crossing Park Commission shall be an independent administrative commission and shall consist of ten residents of this Commonwealth appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. The chairman of the Pennsylvania Historical and Museum Commission shall serve as an ex officio member of the park commission and may designate another member of the Pennsylvania Historical and Museum Commission or the Executive Director of the Pennsylvania Historical and Museum Commission to represent the chairman at meetings of the park commission. Each member of the park commission shall serve for a term of five years and shall serve until a successor is appointed and qualified. Each member shall be eligible for reappointment.

(b) **Organization of park commission.**—Each year the park commission shall elect from among its members a chairman, a secretary and other officers as deemed necessary by the park commission. The park commission may adopt any rules of organization and procedure as it may deem appropriate and may determine the duties of its officers. Six members shall constitute a quorum. Members of the park commission shall not receive compensation but shall receive reimbursement for their actual expenses incurred in serving on the park commission.

(c) **Powers and duties of park commission.**—Notwithstanding the provisions of sections 303(1) and (3) (relating to sites) and 702 (relating to powers over certain historic property), the park commission shall preserve the park as a patriotic and historic place and shall have custody, control, management and supervision of the park, including the maintenance of the wild flower preserve on the land known as Bowman's Hill. The park commission shall have the powers and duties to:

(1) Submit to the Pennsylvania Historical and Museum Commission, by September 1 of each year, a report which shall include a summary of the park commission's activities during the preceding fiscal year.

(2) Submit to the Pennsylvania Historical and Museum Commission, by October 1 of each year, a preliminary plan, including a preliminary budget, for the park commission's activities during the next fiscal year.

(3) Submit to the Pennsylvania Historical and Museum Commission, by May 1 of each year, a final plan, including a final budget, for the park commission's activities during the next fiscal year.

(4) Provide for local input and foster local public support for programs and activities at the park.

(5) Encourage an appreciation of the historical significance of the park for the people of this Commonwealth.

(6) Cooperate with the Pennsylvania Historical and Museum Commission or any other Federal, State or local agency, or any private historical organization or foundation, in conducting programs or providing services to further improve or develop the park.

(7) Promulgate rules and regulations necessary for the implementation of its power and duties.

(d) **Agreement between commissions.**—By August 1 of each year, the Pennsylvania Historical and Museum Commission shall enter into an agreement with the park commission specifying the funding that will be made available to the park commission for the fiscal year which began on July 1 of that year. The agreement may contain other terms and conditions necessary for cooperation between the park commission and the Pennsylvania Historical and Museum Commission.

§ 705. **United States Brig Niagara.**

(a) **Official flagship of Pennsylvania.**—The restored United States Brig Niagara shall be the official flagship of Pennsylvania. It shall be known as the "Flagship of Pennsylvania" and its home port shall be Erie, Pennsylvania.

(b) Powers and duties of the commission.—The commission shall have the power and duty to:

(1) Cooperate with the Department of Military Affairs, the United States Navy and other appropriate organizations in commemorating significant events of our naval and maritime heritage.

(2) Sail the United States Brig Niagara, within the means at its command, to various ports of call and commemorative events as the official sailing ambassador for Pennsylvania.

(3) Charge whatever fees are necessary to maintain the vessel and to encourage private financial support as appropriate in order to support the United States Brig Niagara and its sailing program.

(c) Cooperation by public officials with the commission.—Commonwealth agencies and political subdivisions shall cooperate fully with the commission in support of its naval and maritime history program and, to that end, shall:

(1) Include the commission in any planning efforts for the commemoration of significant events of our naval and maritime history.

(2) Develop plans with the commission which will utilize the United States Brig Niagara as the official flagship of Pennsylvania.

CHAPTER 9 CONCURRENT JURISDICTION

Sec.

901. Cession of concurrent jurisdiction.

902. Sites affected.

903. Transfer of personal property.

904. Acceptance by United States.

905. Acceptance by Governor.

906. Police service agreements.

§ 901. Cession of concurrent jurisdiction.

The Commonwealth of Pennsylvania hereby cedes to the United States concurrent jurisdiction over lands, waters and buildings within the boundaries of units of the National Park System administered by the United States Department of the Interior National Park Service, including those owned, leased or administratively controlled by the National Park Service, as well as all lands and buildings hereafter acquired, leased or administratively controlled by the National Park Service.

§ 902. Sites affected.

The existing National Park Service lands, waters and buildings affected by the provisions of this chapter are as follows:

(1) Allegheny Portage National Historic Site.

(2) Delaware Water Gap National Recreation Area.

(3) Edgar Allen Poe National Historic Site.

(4) Eisenhower National Historic Site.

(5) Fort Necessity National Battlefield.

- (6) Friendship Hill National Historic Site.
- (7) Gettysburg National Military Park.
- (8) Gloria Dei (Old Swede's) Church National Historic Site.
- (9) Hopewell Furnace National Historic Site.
- (10) Independence National Historical Park.
- (11) Johnstown Flood National Memorial.
- (12) Thaddeus Kosciuszko National Memorial.
- (13) Valley Forge National Historical Park.

§ 903. Transfer of personal property.

In any case where the Commonwealth has heretofore transferred land to the United States for use as a national park, the transfer shall also include the transfer to the United States of such personal property as may be included in a written agreement between the Pennsylvania Historical and Museum Commission and the National Park Service.

§ 904. Acceptance by United States.

Cession of jurisdiction shall become effective when it is accepted on behalf of the United States. Acceptance shall be indicated, in writing upon the instrument of cession, by an authorized official of the United States and filed with the Secretary of the Commonwealth.

§ 905. Acceptance by Governor.

(a) Relinquishment by United States.—Whenever the United States tenders to the Commonwealth of Pennsylvania a relinquishment of all or part of the legislative jurisdiction theretofore acquired by it over lands within this Commonwealth, the Governor is authorized to accept, on behalf of the Commonwealth, the legislative jurisdiction so relinquished.

(b) Publication.—The Governor shall indicate his acceptance of relinquished legislative jurisdiction by a writing addressed to the head of the appropriate department or agency of the United States. This acceptance shall be effective upon the publication of the writing in the Pennsylvania Bulletin.

§ 906. Police service agreements.

A municipality or the Pennsylvania State Police may enter into cooperative police service agreements with the National Park Service for the purpose of providing employees of the National Park Service who hold a valid law enforcement commission, issued by that agency, the authority to enforce Title 75 (relating to vehicles) on roads, other than Federal roads, which lie within units of the National Park System which are within the jurisdiction of the municipality's police department or the Pennsylvania State Police.

Section 2. (a) The administrative and budgetary provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall continue to apply to the Pennsylvania Historical and Museum Commission insofar as those provisions are consistent with this act.

(b) The Pennsylvania Historical and Museum Commission shall continue to exercise the powers and perform the duties conferred or required by law prior to the effective date of this act with respect to the historical properties listed in 37 Pa.C.S. § 702 (relating to powers over certain historic property).

(c) The members of the Pennsylvania Historical and Museum Commission and the Historic Preservation Board serving as members when this act becomes effective shall continue to serve as members until the term for which they were respectively appointed expires and until their respective successors are appointed and qualified.

(d) The Drake Well Advisory Board, the Twenty-eighth Division Memorial Shrine Advisory Board and the Joseph Priestley Advisory Board are abolished.

(e) The members of the Brandywine Battlefield Park Commission and the Washington Crossing Park Commission serving as members on the effective date of this act shall continue to serve as members until their successors are appointed and qualified.

Section 3. This act, with respect to the Pennsylvania Historical and Museum Commission, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 4. Each rule and regulation of the Pennsylvania Historical and Museum Commission in effect on the effective date of this act shall remain in effect after such date until repealed or amended by the commission.

Section 5. (a) The following acts and parts of acts are repealed:

Act of July 25, 1913 (P.L.1265, No.777), entitled "An act providing for the establishment of the Pennsylvania Historical Commission; defining its powers and duties; and making an appropriation for its work."

Act of July 25, 1917 (P.L.1209, No.420), entitled "An act to authorize the acquisition, by purchase or condemnation, of lands for a park, and the erection of a monument commemorative of Washington crossing the river Delaware, and for the appointment of a commission to acquire said lands and erect such monument; and making an appropriation for the purpose of this act."

Act of July 21, 1919 (P.L.1086, No.444), entitled "An act dedicating to public use as a historical memorial and public park certain lands and buildings of the Commonwealth of Pennsylvania, in the borough of Ambridge, county of Beaver, and providing for the custody, maintenance, and use thereof."

Act of May 6, 1925 (P.L.514, No.278), entitled "An act authorizing the Department of Highways to make repairs to and provide for the maintenance of roads and highways in Valley Forge Park, and making an appropriation therefor."

Act of May 4, 1927 (P.L.32, No.44-A), entitled, as amended, "An act authorizing the Department of Forests and Waters to acquire, repair, and restore the birthplace of John Morton, in the borough of Prospect Park; providing for the control, management, supervision, and maintenance thereof by the Pennsylvania Historical Commission; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation."

Act of May 4, 1927 (P.L.759, No.398), entitled "An act providing for the acquisition and maintenance by the Department of Forests and Waters, with

the advice of the Bushy Run Battlefield Commission, of the Bushy Run Battlefield and adjacent lands as a public historical park, and for the erection of a monument or memorial therein; authorizing the department to accept gifts for exhibition in, and funds or securities to be invested for the benefit of, said park; imposing duties upon the Governor, the Auditor General and the State Treasurer in connection with such funds or securities; and making an appropriation.”

As much of section 201 as reads “, the Pennsylvania Historical and Museum Commission”, sections 304, 435 and 617-A and Article XXVIII-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of April 24, 1929 (P.L.650, No.275), entitled “An act providing for the submission to and approval by the Pennsylvania Historical Commission of the inscription on historical monuments and markers, and the location of certain of such monuments and markers, and the inscription of certain highway signs and markers.”

Act of April 26, 1929 (P.L.781, No.332), entitled “An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire land in Falls Township, Bucks County, known as ‘Pennsbury,’ to be known thereafter as ‘Pennsbury Memorial’; providing for the control, management, supervision, restoration, improvement, and maintenance thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof.”

Act of May 8, 1929 (P.L.1667, No.528), entitled, as amended, “An act authorizing the Pennsylvania Historical and Museum Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor.”

Act of April 10, 1931 (P.L.23, No.22), entitled, as amended, “An act providing for the acceptance by the Commonwealth of a gift of lands from the American Petroleum Institute, located on the left bank of Oil Creek, in Oil Creek Township or Cherry Tree Township, or both, Venango County, to establish and maintain a public museum and park, as the Drake Well Memorial, under the control and supervision of the Pennsylvania Historical Commission, in cooperation with the Department of Forests and Waters, and an advisory board to be appointed by the American Petroleum Institute; prescribing the powers and duties of the commission relative to said memorial; authorizing the employment of certain assistants and employes, and for the payment of their salaries; empowering the Department of Property and Supplies to acquire additional lands for such Memorial Park without cost to the Commonwealth; and making an appropriation.”

Act of May 21, 1931 (P.L.185, No.113), entitled “An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of

Pennsylvania, to acquire all real property comprising the Cornwall Charcoal Furnace, at Cornwall, in Lebanon County, from the owner thereof, and a trust fund for the maintenance of the same; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof."

Act of June 12, 1931 (P.L.588, No.201), entitled "An act authorizing the Department of Property and Supplies to acquire lands in Harris Township, Centre County, for the use of the Department of Military Affairs; and making an appropriation."

Act of June 25, 1931 (P.L.1375, No.344), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire property, whereon was the John Brown farm and tannery in Richmond Township, Crawford County, from the John Brown Memorial Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof."

Act of June 26, 1931 (P.L.1386, No.350), entitled "An act providing for the care, protection, and maintenance of the brig Niagara, Commodore Perry's Flagship at the Battle of Lake Erie, and now the property of the State of Pennsylvania; creating a commission to be The Flagship Niagara Commission, and making an appropriation for such care, protection and maintenance."

Act of June 26, 1931 (P.L.1387, No.351), entitled "An act authorizing the Department of Property and Supplies to acquire the site of Fort Augusta, at Sunbury, to be turned over to the Pennsylvania Historical Commission for management; and making an appropriation."

Act of July 9, 1935 (P.L.613, No.216), entitled "An act authorizing the State Historical Commission to investigate and to report to the next session of the Legislature upon the area, boundaries, and dimensions of the Brandwine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith."

Act of July 22, 1936 (1st Sp.Sess., P.L.70, No.26), entitled "An act to provide for the participation of the Commonwealth of Pennsylvania in a National Celebration of the One Hundred Fiftieth Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Promulgation, of the Constitution of the United States, to be held at Philadelphia, and elsewhere, on the fifteenth, sixteenth, and seventeenth days of September, one thousand nine hundred thirty-seven, and subsequent anniversary dates in connection therewith; and making an appropriation."

Act of July 28, 1936 (1st Sp.Sess., P.L.79, No.31), entitled "An act to provide for the commemoration by the Commonwealth of Pennsylvania of the Three Hundredth Anniversary of the Earliest Settlement, the First Courts of Law, and the First Capital within what is now Pennsylvania; and making an appropriation."

Act of May 28, 1937 (P.L.1000, No.271), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, approximately 7.224 acres of land in Tinicum Township, Delaware County, sometimes known as 'Printz Park,' or as 'Printz-Lindberg Park,' to be known hereafter as 'Governor Printz Park'; providing for the control, management, supervision, restoration, improvement and maintenance thereof; authorizing the commission to make and enforce rules and regulations for the preservation, maintenance, and visitation thereof."

Act of June 2, 1937 (P.L.1179, No.295), entitled "An act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation."

Act of June 25, 1937 (P.L.2079, No.410), entitled "An act providing for the sale of Fort Necessity Park, in Wharton Township, to the government of the United States, for National Military Park purposes, and giving consent to the purchase of said park, other lands of historical importance, and, with certain reservations, ceding jurisdiction over such lands."

Act of July 2, 1937 (P.L.2697, No.542), entitled "An act supplementing the act, approved the twenty-eighth day of July, one thousand nine hundred and thirty-six (Pamphlet Laws, seventy-nine); and authorizing the Governor, directly or through such agency as he may designate, to provide, plan, prepare, supervise, and carry out a suitable program, within and without Pennsylvania, for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law, and the first capital within what is now Pennsylvania; and making an appropriation therefor out of the General Fund."

Act of July 2, 1937 (P.L.2700, No.543), entitled "An act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (Pamphlet Laws, seventy); and authorizing the Governor, directly or through such agency as he may designate, to provide, plan, prepare, supervise, and carry out, a suitable program, throughout the Commonwealth of Pennsylvania and elsewhere, for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania, and the Final Adoption and Establishment of the Constitution of the United States, during the years 1937-38-39; and making an appropriation."

Act of June 26, 1939 (P.L.1108, No.390), entitled "A supplement to the act, approved the twenty-sixth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, one thousand three hundred eighty-six), entitled 'An act providing for the care, protection, and maintenance of the brig Niagara, Commodore Perry's Flagship at the Battle of Lake Erie, and now the property of the State of Pennsylvania; creating a commission to be The Flagship Niagara Commission, and making an appropriation for such care, protection and maintenance,' transferring the custody and control, restoration and rehabilitation, care, protection, and maintenance of the Flagship Niagara from The Flagship Niagara Commission to the Pennsylvania Historical Commission; providing for the continuance of the present The Flagship

Niagara Commission as an advisory committee and for its discharge from certain duties and powers; and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same."

Act of June 26, 1939 (P.L.1110, No.391), entitled "An act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, forty acres of land adjacent to 'Pensbury Memorial,' or so much thereof as may be necessary to properly honor the founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation."

Act of June 27, 1939 (P.L.1117, No.395), entitled "An act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania, the real estate and personal property of the Seventh Day Baptists of Ephrata, in whole or in part, to provide for the control, management and supervision of the property, when acquired, by the Pennsylvania Historical Commission; authorizing the commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof."

Act of August 5, 1941 (P.L.830, No.309), entitled "An act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof, and creating an advisory board to assist in such functions."

Act of August 6, 1941 (P.L.849, No.317), entitled "An act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County, or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof, and making an appropriation."

Act of August 6, 1941 (P.L.850, No.318), entitled "An act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, ten acres of land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary, to properly honor the pioneer Daniel Boone on the spot where

he was born; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof, and making an appropriation."

Act of May 26, 1943 (P.L.608, No.265), entitled "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, the Harmony Society Graveyard in the Borough of Ambridge, Pennsylvania; providing for the control, management and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance, and visitation thereof."

Act of June 1, 1943 (P.L.804, No.336), entitled "An act authorizing the Pennsylvania Historical Commission to acquire by gift, from the Erie County Historical Society, a plot of ground in the City of Erie, Pennsylvania, to be used as a permanent resting place for the Flagship Niagara, and making an appropriation to said commission for the improvement, development and preparation of such plot of ground and the removal of the said flagship thereto."

Act of June 4, 1943 (P.L.873, No.365), entitled "An act authorizing the Department of Property and Supplies, with the advice and approval of the Pennsylvania Historical Commission, to acquire on behalf of the Commonwealth of Pennsylvania, certain land upon which is located the site of Fort LeBoeuf in Waterford Borough, Erie County, or so much thereof as may be necessary, as a historical memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission, in cooperation with other agencies, to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Colonists and interested patriotic societies in providing funds for a restoration of Fort LeBoeuf; and making an appropriation."

Act of May 18, 1945 (P.L.795, No.316), entitled "An act authorizing the Pennsylvania Historical Commission to accept, on behalf of the Commonwealth, certain real estate in, and an endowment fund for, the Mt. Zion Cemetery which is part of the historic Ephrata Cloister land located in Ephrata, Lancaster County, Pennsylvania."

Act of May 31, 1945 (P.L.1194, No.415), entitled "An act authorizing the Pennsylvania Historical Commission to acquire by gift from the Historical Society of Cambria County, the Admiral Peary Memorial Park in Cresson Township, Cambria County, restricting the use thereof; and making an appropriation to said commission for the improvement of said park."

Act of July 5, 1947 (P.L.1293, No.517), entitled "An act to establish The Brandywine Battlefield Park Commission and to authorize the acquisition by purchase, condemnation or gift of lands for the establishment of The Brandywine Battlefield Park; providing for the control, management and supervision of the property to be acquired for such park by such commission; authorizing the commission to make and to enforce rules and regula-

tions for its preservation, development and visitation; and making appropriations.”

Act of May 20, 1949 (P.L.1579, No.476), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to develop a farmers’ museum; designating purposes of such museum; and making an appropriation.”

Act of May 26, 1949 (P.L.1876, No.554), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to accept, on behalf of the Commonwealth, certain real estate and buildings and an endowment fund for the Warrior Run Church and Cemetery, located in Northumberland County, Pennsylvania; and making an appropriation.”

Act of May 26, 1949 (P.L.1877, No.555), entitled “An act authorizing the Department of Property and Supplies, with the approval of the Pennsylvania Historical and Museum Commission, to acquire by purchase, condemnation, lease or gift, certain lands adjacent to the Daniel Boone Homestead property; providing for the maintenance and improvement thereof; and making an appropriation for the payment of the costs of such acquisition.”

Act of January 5, 1952 (1951 P.L.1824, No.485), entitled “An act authorizing the Department of Property and Supplies, with the approval of the Pennsylvania Historical and Museum Commission, to acquire on behalf of the Commonwealth, certain land, buildings and appurtenances, located in the Township of Manheim, Lancaster County, and certain personal property therein; and making an appropriation.”

Act of July 20, 1953 (P.L.519, No.137), entitled “An act authorizing the Department of Property and Supplies to sell and convey one acre and 102.93 perches, more or less, of land in Ephrata Township, Lancaster County, Pennsylvania, with the approval of the Governor.”

Act of February 14, 1956 (1955 P.L.1045, No.335), entitled “An act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.”

Act of May 11, 1956 (1955 P.L.1571, No.523), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire, by gift, the Old Brown’s Mill building and project in Antrim Township, Franklin County; and providing for its maintenance and control.”

Act of May 31, 1956 (1955 P.L.1914, No.636), entitled “An act authorizing the Department of Property and Supplies, with the approval of the Pennsylvania Historical and Museum Commission, to acquire by purchase certain lands adjacent to the Pennsylvania Farm Museum of Landis Valley property; providing for the control, maintenance and improvement thereof; and making an appropriation.”

Act of June 1, 1956 (1955 P.L.2020, No.676), entitled “An act authorizing the Department of Property and Supplies, with the approval of the Pennsylvania Historical and Museum Commission, to acquire lands comprising the Captain William Phillips’ Rangers Memorial, in Liberty Township, Bedford County; providing for the control, management, supervision, improvement, restoration and maintenance thereof by the Pennsylvania Historical and Museum Commission; and making appropriations.”

Act of June 28, 1957 (P.L.422, No.232), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth the real property, known as Hope Lodge in Montgomery County; providing for its control, management, supervision, restoration, improvement and maintenance, and appropriating for this purpose all funds received in behalf of or as the result of operation of Hope Lodge."

Act of June 28, 1957 (P.L.425, No.233), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Pennsylvania Historical and Museum Commission, to acquire on behalf of the Commonwealth, certain land, buildings and personal property, located in the Township of Whitmarsh, Montgomery County."

Act of July 8, 1957 (P.L.556, No.308), entitled "A supplement to the act of June 12, 1931 (P.L.588, No.201), entitled 'An act authorizing the Department of Property and Supplies to acquire lands in Harris Township, Centre County, for the use of the Department of Military Affairs; and making an appropriation,' transferring the control, supervision and management of the lands of the Pennsylvania Historical and Museum Commission; requiring the commission to complete and thereafter maintain the 'Twenty-eighth Division Shrine' thereon, dedicating the same to the officers and men of the Twenty-eighth Division; creating the Twenty-eighth Division Memorial Shrine Advisory Board, and prescribing its powers and duties; and making an appropriation."

Act of July 17, 1957 (P.L.960, No.413), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire, by gift, on behalf of the Commonwealth, the real property known as Graeme Park in Horsham Township, Montgomery County; providing for its control, management, supervision, restoration, improvement and maintenance; and making an appropriation."

Act of July 18, 1957 (P.L.1005, No.445), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire land on which is located the Old Bradford House in the City of Washington, Washington County; providing for its repair; authorizing an agreement for the administration thereof by the Washington County Historical Society, and making an appropriation."

Act of July 18, 1957 (P.L.1011, No.447), entitled "An act directing the Department of Highways to transfer the Searights Toll House to the Pennsylvania Historical and Museum Commission; providing for the repair of the Toll House; authorizing the Pennsylvania Historical and Museum Commission to enter into an agreement for the administration thereof by the Westmoreland-Fayette Historical Society; and making an appropriation."

Act of July 27, 1959 (P.L.574, No.182), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth real property of approximately one acre adjacent to the Hope Lodge property of the Commonwealth; providing for its control, management, supervision, restoration, improvement and maintenance, and making it part of the Hope Lodge property."

Act of November 16, 1959 (P.L.1509, No.528), entitled "An act authorizing the Pennsylvania Department of Property and Supplies, acting for the Commonwealth of Pennsylvania, to acquire by gift from the Borough of Northumberland that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley and which is now the property of the Borough of Northumberland; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical and Museum Commission; authorizing the Pennsylvania Historical and Museum Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; authorizing the Pennsylvania Historical and Museum Commission to accept in trust from the American Chemical Society and other interested societies or individuals such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania Historical and Museum Commission to accept as gifts or loans such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for enhancing the interests of this property as a museum of science; creating an advisory board to assist in such functions and making an appropriation."

Act of December 16, 1959 (P.L.1856, No.681), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire the Pechin House; providing for the repair of the Pechin House; authorizing the Pennsylvania Historical and Museum Commission to enter into an agreement for the administration thereof by the King of Prussia Historical Society; and making an appropriation."

Act of December 16, 1959 (P.L.1875, No.685), entitled "An act authorizing the conveyance of Fort Necessity Park in Wharton Township, Fayette County, to the government of the United States of America for use as a National Park and with certain reservations ceding jurisdiction over such lands."

Act of December 21, 1959 (P.L.1960, No.714), entitled "An act authorizing the Department of Property and Supplies to acquire, by gift, on behalf of the Pennsylvania Historical and Museum Commission, the historic property known as the Tuscarora Academy, and authorizing the Pennsylvania Historical and Museum Commission to restore the same, and to enter into an agreement with the Tuscarora Academy Preservation Commission, Inc., for the management and maintenance of the same, and making an appropriation."

Act of July 26, 1961 (P.L.912, No.394), entitled "An act to provide for the exchange of historical materials between historical societies as herein defined."

Act of September 18, 1961 (P.L.1469, No.620), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the Borough of Cornwall, Lebanon County."

Act of September 27, 1961 (P.L.1693, No.694), entitled "An act making an appropriation to the Pennsylvania Historical and Museum Commission

for the repair and restoration of the Caleb Pusey House subject to certain conditions.”

Act of August 8, 1963 (P.L.617, No.325), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in Cornplanter Township, Venango County.”

Act of November 10, 1965 (P.L.717, No.344), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in Upper Augusta Township, Northumberland County.”

Act of December 8, 1965 (P.L.1056, No.404), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in Whitemarsh Township, Montgomery County.”

Act of January 24, 1966 (1965 P.L.1508, No.530), entitled “An act directing the Pennsylvania Historical and Museum Commission to assist in the construction of a replica of Fort Franklin, Franklin, Pennsylvania; and making an appropriation to the Pennsylvania Historical and Museum Commission for such assistance in cooperation with the Venango County Museum Corporation.”

Act of July 25, 1967 (P.L.182, No.53), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift, on behalf of the Commonwealth, a tract of land with a structure thereon known as Peace Church in Hampden Township, Cumberland County.”

Act of November 16, 1967 (P.L.494, No.241), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth the real property known as Chillisquaque School House in West Chillisquaque Township, Northumberland County; and providing for its control, management, supervision, restoration, improvement and maintenance.”

Act of November 27, 1967 (P.L.631, No.290), entitled “An act authorizing the acceptance, as a gift, of the Bindnagles Evangelical Lutheran Church in Lebanon County, North Londonderry Township, to be administered by the Pennsylvania Historical and Museum Commission.”

Act of August 1, 1969 (P.L.206, No.83), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to acquire, by gift on behalf of the Commonwealth, certain properties related to development of historic sites and museums; to manage, administer and develop the properties; and to provide a research center for certain collections.”

Act of March 2, 1970 (P.L.77, No.35), entitled “An act authorizing the Pennsylvania Historical and Museum Commission to edit and publish volume one of the Statutes at Large.”

Act of November 25, 1970 (P.L.752, No.245), entitled “An act authorizing and directing the Department of Property and Supplies, with the approval of the Governor and the Department of Public Welfare to transfer the jurisdiction and control from the Department of Public Welfare to the Pennsylvania Historical and Museum Commission 5.49 acres of land, situate in Susquehanna Township, Dauphin County, Pennsylvania.”

Act of August 12, 1971 (P.L.309, No.76), entitled "An act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth certain land located in the City of Chester, Delaware County."

Act of November 8, 1971 (P.L.531, No.135), entitled "An act authorizing the Pennsylvania Historical and Museum Commission on behalf of the Commonwealth to acquire the historic John Brown House in the Borough of Chambersburg, Franklin County."

Act of May 17, 1973 (P.L.29, No.14), entitled "An act designating the Pennsylvania Lumber Museum at Denton Hill, Potter County, Pennsylvania, as The James S. Berger Lumber Museum."

Act of July 30, 1975 (P.L.102, No.53), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor and the Historical and Museum Commission, to transfer Valley Forge State Park to the United States of America."

Act of June 23, 1978 (P.L.499, No.78), entitled "An act authorizing the Pennsylvania Historical and Museum Commission, with the approval of the Governor, to transfer certain Project 70 lands in Lancaster County in exchange for a parcel of land belonging to the Fulton Township Supervisors."

Act of July 1, 1978 (P.L.565, No.98), entitled "An act authorizing the Department of General Services, on behalf of the Commonwealth to acquire certain land in the Borough of Cornwall, Lebanon County, Pennsylvania."

Act of November 22, 1978 (P.L.1160, No.273), known as the Historic Preservation Act.

Act of December 13, 1979 (P.L.517, No.113), entitled "An act authorizing and directing the Department of Justice, with the approval of the Governor, to accept as partial payment, upon maturity, of a certain Series D Serial Note of The Penn Central Corporation, certain historic railroad engines, railroad cars and associated railroad equipment of historical interest and value, having an appraised value of \$1,200,000 presently located at the Railroad Museum of Pennsylvania in Strasburg, Pennsylvania, and providing for the custody of such engines, cars and equipment."

Act of June 12, 1981 (P.L.90, No.30), entitled "An act authorizing the Department of General Services, on behalf of the Commonwealth, to acquire by gift certain land in Fulton Township, Lancaster County, Pennsylvania."

Act of June 12, 1981 (P.L.91, No.31), entitled "An act authorizing the Department of General Services, on behalf of the Commonwealth, to acquire by gift certain land in Falls Township, Bucks County, Pennsylvania."

Sections 1, 2, 3, 4 and 6 of the act of April 29, 1988 (P.L.392, No.61), known as the Flagship of Pennsylvania Act.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. This act shall take effect as follows:

- (1) Section 304(5) of Title 37 shall take effect in three years.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 26th day of May, A. D. 1988.

ROBERT P. CASEY