

No. 1992-156

AN ACT

HB 1103

Establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

The General Assembly finds and declares as follows:

(1) This Commonwealth has historically served as a homeland for people from nations of the world seeking a new life in freedom and dignity.

(2) These peoples and their succeeding generations have made worthy contributions to the development and growth of this Commonwealth.

(3) The Commonwealth recognizes its responsibility to foster the awareness, understanding and appreciation of the many and varied contributions to the quality of life made by its diverse ethnic communities.

(4) The values and beliefs of this Commonwealth's many ethnic communities shape and affect public and private life.

(5) It is in the public interest for the Commonwealth and its citizens to develop programs to identify, conserve and perpetuate the diverse cultural and ethnic heritage of this Commonwealth and to promote greater awareness and understanding for the education, inspiration and the general public welfare of all the people, including future generations.

(6) Both the Commonwealth and its diverse population have a vital interest in promoting ethnic understanding for their mutual benefit and in providing a unity of purpose.

(7) It is in the interest of the Commonwealth and its citizens to be aware of cultural heritage as a key element in public policy, its planning and program development.

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 Heritage Affairs Act.

Section 2. Definitions.

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

“Commission.” The Pennsylvania Heritage Affairs Commission.

“Cultural heritage.” The traditional expressive culture within the various groups in this Commonwealth, including familial, ethnic, occupational, religious and regional groups. Expressive culture consists of a wide range of creative and symbolic forms, including, but not limited to, custom, belief, technical skill, language, literature, art, architecture, music, play,

dance, drama, ritual, pageantry and handicrafts. These expressions are mainly learned orally, by imitation or in performance, and are generally maintained without benefit of formal instruction or institutional direction. Cultural heritage encompasses the values, beliefs and community structures that underlie its expression.

Section 3. Pennsylvania Heritage Affairs Commission.

(a) Membership.—The Pennsylvania Heritage Affairs Commission is established within the Department of Community Affairs. The commission shall consist of:

(1) Not less than 37 citizens of this Commonwealth who shall be appointed by the Governor upon demonstrated support from ethnic community organizations. These members shall be broadly representative of the ethnic communities within this Commonwealth.

(2) Nine citizens of this Commonwealth who shall be appointed by the Governor as at-large members.

(3) Four members who shall be appointed from the General Assembly in the following manner:

(i) two members of the Senate, one from the majority party appointed by the President pro tempore and one from the minority party appointed by the Minority Leader; and

(ii) two members of the House of Representatives, one from the majority party appointed by the Speaker of the House and one from the minority party appointed by the Minority Leader.

(4) The Lieutenant Governor who shall serve as the chairperson of the commission and executive committee. The chairperson shall not be a voting member of the commission.

(5) Representatives of State departments or agencies who may be designated by the Governor as ex officio members.

(b) Executive committee.—The at-large members and the legislative members shall constitute an executive committee responsible for the ongoing programs of the commission under the direction of the executive director.

(c) Terms.—Members shall serve for two years. The terms of legislative members shall commence on the first Tuesday of each odd-numbered year and shall continue until successors have been appointed.

(d) Vacancies.—Appointments to fill vacancies created by the resignation, removal or death of a member shall be for the unexpired term of the vacancy.

(e) Quorum.—A majority of the members shall constitute a quorum for conducting official business of the commission.

(f) Compensation.—Members of the commission and its advisory councils shall serve without salary or compensation, other than reimbursement for actual and necessary expenses incurred while attending official meetings or performing other official functions in accordance with procedures established by the Executive Board.

Section 4. Powers and duties of commission.

The commission shall:

(1) Coordinate government programs and activities relating to or affecting ethnic groups, individuals, organizations, institutions or communities in general, including their social, economic, educational and cultural concerns.

(2) Assist government agencies and nongovernment organizations in understanding unique cultural traditions when providing human services and health care to ethnic groups, individuals, organizations or communities in general.

(3) Assist government agencies and nongovernment organizations to avoid unnecessary disruption and mitigate the possible negative impact of programs and projects on the cultural heritage of this Commonwealth.

(4) Assist government agencies and nongovernment organizations to address and reduce ethnic tension and crimes motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals in this Commonwealth.

(5) Commemorate historical events and officially recognize accomplishments and contributions to this Commonwealth by individuals or organizations within the ethnic communities of this Commonwealth.

(6) Sponsor and promote events and projects that will increase the public's knowledge and appreciation of the diverse cultural heritage of this Commonwealth.

(7) Establish and maintain associations with ethnic organizations and associations in this Commonwealth.

(8) Provide technical and financial assistance to public agencies and private organizations engaged in ethnic or cultural awareness activities.

(9) Solicit, receive and utilize funds from public or private sources to promote awareness of the ethnic and cultural heritage of this Commonwealth.

(10) Establish advisory councils as appropriate to provide specialized expertise to the commission and its staff.

(11) Meet at the call of the chairperson.

(12) Adopt appropriate procedures for the implementation of this act.

Section 5. Executive director.

The commission shall have an executive director to be appointed by the executive committee to administer the programs of the commission and other personnel as may be necessary to assist the executive director and the commission. The executive director shall have a demonstrated sensitivity toward cultural conservation and competence in administrative procedures.

Section 6. Director of State folklife programs.

To aid the conservation of the diverse cultural heritage of this Commonwealth, a director of State folklife programs shall be appointed by the executive director of the commission upon recommendation of the Folklife Advisory Council. The director of State folklife programs shall serve as a resource and as a catalyst to individuals, organizations and communities throughout this Commonwealth who seek to preserve and present their cultural heritage to the general public. The director of State folklife programs shall seek appropriate means for documentation, presentation and interpretation of the diverse folklife cultural traditions of this Commonwealth.

Section 7. Folklife Advisory Council.

(a) **Appointment.**—Upon recommendation by the executive committee and the executive director, the Governor shall appoint specialists in ethnic and folklife cultural studies and programming to serve on the Folklife Advisory Council which shall advise the director of State folklife programs.

(b) **Membership.**—The council shall be composed of 11 members, reflecting a broad geographic distribution within this Commonwealth.

(c) **Terms.**—Council members shall serve for a period of two years.

(d) **Chairperson.**—A chairperson shall be chosen by a majority vote of the advisory council members present at a regularly scheduled meeting.

Section 8. Interagency cooperation.

Staff and resources in the various State agencies are directed to cooperate with and assist the commission in fulfilling its duties at the request of the commission's chairperson.

Section 9. Funding.

Funding for the operation of the commission shall be drawn from the general government operations appropriation to the Department of Community Affairs or from appropriations made to the commission for such purpose.

Section 10. Invalidity of executive order.

Executive Order No. 6 of 1988 is declared to be invalid.

Section 11. Expiration.

This act shall expire December 31, 1997.

Section 12. Effective date.

This act shall take effect in 60 days.

APPROVED—The 16th day of December, A. D. 1992.

ROBERT P. CASEY