

No. 2002-173

AN ACT

HB 2131

Amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

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

Section 1. Sections 104(h) and 301 of Title 37 of the Pennsylvania Consolidated Statutes are amended to read:

§ 104. Pennsylvania Historical and Museum Commission.

* * *

(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. *Collections shall include the proceeds from the sale of historic properties.* 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.

§ 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- (2) Preserve public records, historical documents and objects of historical interest, possession and control of which have been transferred to the commission.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.
- (5) *Sell to the public any publications that are published by any department, board, commission or officer of the Commonwealth.*

Section 2. Section 302 of Title 37 is amended by adding a paragraph to read:

§ 302. Specific powers and duties.

The commission shall have the power and duty to:

* * *

(14) *Publications.—To sell to the public, at a store or by other methods, any publications selected by the commission for sale and published by any department, board, commission or officer of the Commonwealth, except documents published for the Governor and the General Assembly which shall be distributed by the Governor and the*

General Assembly without charge. To administer this paragraph, the commission may publish, for free distribution, a price list showing the publications which the commission is prepared to sell to the public and the charges for each publication. The commission shall transfer at least annually, to the fund from which the cost of the publication was paid, the actual cost of production of any publications sold during that period. Any remaining proceeds from the sale of a publication by the commission shall be deposited in the Historical Preservation Fund.

Section 3. Sections 306 and 702 of Title 37 are amended to read:

§ 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 organizations, 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; **and sell to the public any publications selected by the commission for sale and published by any department, board, commission or officer of the Commonwealth.**

(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.

§ 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.

Section 4. Section 2406(h) and (j) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed.

Section 5. This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER