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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2142 Session of  
2003

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INTRODUCED BY LEVDANSKY, B. SMITH, STABACK, WILT, HALUSKA,  
CAPPELLI, SURRA, BASTIAN, HANNA, BUNT, GOODMAN, HESS, SHANER,  
NAILOR, GERGELY, HERMAN, STURLA, MAITLAND, MCGEEHAN, DALLY,  
BELFANTI, HENNESSEY, DeLUCA, E. Z. TAYLOR, DALEY, HUTCHINSON,  
FABRIZIO, GOOD, YOUNGBLOOD, ARMSTRONG, SOLOBAY, DENLINGER,  
GEORGE, SATHER, GRUCELA, TANGRETTI, KOTIK, WASHINGTON,  
T. STEVENSON, STERN AND R. STEVENSON, DECEMBER 17, 2003

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
DECEMBER 17, 2003

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AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, establishing the Pennsylvania Wildlife  
3 and Conservation Heritage Account; and further providing for  
4 deposit of disposal fee and for adjustments from the  
5 Environmental Stewardship Fund.

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

8 Section 1. Title 27 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 6114. Pennsylvania Wildlife and Conservation Heritage  
11 Account.

12 (a) Establishment.--The Pennsylvania Wildlife and  
13 Conservation Heritage Account is hereby established as a  
14 separate fund within the State Treasury. The moneys of the  
15 account are hereby appropriated on a continuing basis to carry  
16 out the provisions of this section.

1     (b) Source of funding.--The moneys of the Pennsylvania  
2     Wildlife and Conservation Heritage Account shall consist of the  
3     portion of the recycling fee allocated under section 6112(b)  
4     (relating to extension of fees), all interest earned on those  
5     moneys and any other moneys appropriated or made available to  
6     the department for deposit into the account.

7     (c) Allocation.--The moneys of the Pennsylvania Wildlife and  
8     Conservation Heritage Account shall be allocated annually as  
9     follows:

10         (1) 45% to a restricted revenue account within the  
11         Pennsylvania Wildlife and Conservation Heritage Account for  
12         use by the Pennsylvania Fish and Boat Commission.

13         (2) 45% to a restricted revenue account within the  
14         Pennsylvania Wildlife and Conservation Heritage Account for  
15         use by the Pennsylvania Game Commission.

16         (3) 10% to a restricted revenue account within the  
17         Pennsylvania Wildlife and Conservation Heritage Account for  
18         transfer to the Wild Resource Conservation Fund.

19     (d) Use of account.--

20         (1) The Pennsylvania Fish and Boat Commission shall use  
21         its allocation under subsection (c)(1) for the construction  
22         and rehabilitation of infrastructure and habitat development  
23         or improvement.

24         (2) The Pennsylvania Game Commission shall use its  
25         allocation under subsection (c)(2) for the construction and  
26         rehabilitation of infrastructure, habitat development or  
27         improvement and wildlife management programs.

28         (3) The amount allocated under subsection (c)(3) to the  
29         Wild Resource Conservation Fund shall be used for the  
30         purposes specified for that fund in the act of June 23, 1982

1 (P.L.597, No.170), known as the Wild Resource Conservation  
2 Act.

3 (e) Administrative expense limitation.--

4 (1) The Pennsylvania Fish and Boat Commission and the  
5 Pennsylvania Game Commission shall not expend any moneys from  
6 the Pennsylvania Wildlife and Conservation Heritage Account  
7 under subsection (c)(1) or (2) on administrative expenses.

8 (2) Any department that receives moneys from the  
9 Pennsylvania Wildlife and Conservation Heritage Account from  
10 subsection (c)(3) may not expend more than 2% of the moneys  
11 on administrative expenses.

12 Section 2. Sections 6302 and 6306 of Title 27 are amended to  
13 read:

14 § 6302. Deposit of disposal fee.

15 The fees received by the department pursuant to section 6301  
16 (relating to disposal fee for municipal waste landfills) shall  
17 be paid into the State Treasury as follows:

18 (1) For the fiscal year 2002-2003, fees received by the  
19 department pursuant to section 6301 [(relating to disposal  
20 fee for municipal waste landfills)] shall be paid into the  
21 State Treasury as follows:

22 (i) The first \$50,000,000 in fees collected shall be  
23 deposited into the Environmental Stewardship Fund  
24 established in Chapter 61 (relating to environmental  
25 stewardship and watershed protection).

26 (ii) Any fees collected thereafter shall be  
27 deposited in the General Fund.

28 (2) For the fiscal year 2003-2004 and beyond, [all] the  
29 first \$12,500,000 in fees collected shall be deposited into  
30 the Pennsylvania Wildlife and Conservation Heritage Account

1     and the balance of the fees collected shall be deposited into  
2     the Environmental Stewardship Fund [established in Chapter  
3     61].

4     [§ 6306.   Adjustments.

5         When the Governor's proposed budget for the upcoming fiscal  
6     year, as submitted pursuant to section 12 of Article VIII of the  
7     Constitution of Pennsylvania, contains a revision to the revenue  
8     estimate for the current year of at least 3% less than the  
9     official revenue estimate for the current year, the funds  
10    deposited pursuant to section 6302(2) (relating to deposit of  
11    disposal fee) may be adjusted by transferring or redirecting up  
12    to 25% of these deposits to the General Fund.]

13        Section 3.   This amendatory act shall be known and may be  
14    cited as the Pennsylvania Wildlife and Conservation Heritage  
15    Act.

16        Section 4.   This act shall take effect in 60 days.