

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849

Session of  
1981

INTRODUCED BY HAGER, MOORE, REIBMAN, STAUFFER, JUBELIRER,  
SHAFFER, HESS, PECORA, KUSSE, HELFRICK, MANBECK, WILT,  
FISHER, CORMAN, O'CONNELL, GEKAS, LOEPER, HOLL, STAPLETON,  
LEWIS, ROSS, LINCOLN, MELLOW, SMITH, LYNCH, ZEMPRELLI, SINGEL  
AND KELLEY, JUNE 2, 1981

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 1982

AN ACT

1 ~~Authorizing the incurring of indebtedness, with approval of the~~ <—  
2 ~~electors, of \$300,000,000 for the repair, reconstruction,~~  
3 ~~rehabilitation and improvement of community water supply~~  
4 ~~systems, flood control facilities, dams and port facilities~~  
5 ~~and providing the allotment of proceeds from borrowing~~  
6 ~~hereunder.~~

7 AMENDING THE ACT OF JANUARY 19, 1968 (1967 P.L.996, NO.443), <—  
8 ENTITLED "AN ACT AUTHORIZING THE CREATION OF INDEBTEDNESS OF  
9 FIVE HUNDRED MILLION DOLLARS FOR THE CONSERVATION AND  
10 RECLAMATION OF LAND AND WATER RESOURCES; DEFINING THE POWERS  
11 AND DUTIES OF CERTAIN OFFICES, AGENCIES AND POLITICAL  
12 SUBDIVISIONS; PROVIDING FOR THE ALLOTMENT OF PROCEEDS  
13 HEREUNDER INCLUDING COMMONWEALTH GRANTS; PRESCRIBING  
14 STANDARDS AND MAKING APPROPRIATIONS," GRANTING THE SECRETARY  
15 OF ENVIRONMENTAL RESOURCES THE RIGHT TO ENTER CERTAIN  
16 PREMISES FOR THE PURPOSE OF CONSERVING AND RECLAIMING LAND  
17 AND WATER RESOURCES; PROVIDING FOR THE LIENS UPON SUCH LAND;  
18 PROVIDING FOR THE PROMULGATION OF RULES AND REGULATIONS AND  
19 PROVIDING FOR RIGHTS OF RECOVERY FOR ABATEMENT OF EMERGENCY  
20 CONDITIONS; ESTABLISHING AN ACCOUNT TO RECEIVE AND DISBURSE  
21 FEDERAL FUNDS; AND REAPPROPRIATING LAPSED FUNDS.

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

24 ~~Section 1. The question of incurring indebtedness of~~ <—  
25 ~~\$300,000,000 for loans for the repair, reconstruction and~~

1 ~~rehabilitation of community water supply systems, flood control~~  
2 ~~facilities, dams and port facilities shall be submitted to the~~  
3 ~~electors at the next primary, municipal or general election~~  
4 ~~following enactment of this act.~~

5 ~~Section 2. The Secretary of the Commonwealth shall forthwith~~  
6 ~~certify the question to the county boards of election.~~

7 ~~Section 3. The question shall be in substantially the~~  
8 ~~following form:~~

9 ~~Do you favor the incurring of indebtedness by the~~  
10 ~~Commonwealth of \$300,000,000 for use as loans to repair,~~  
11 ~~reconstruct and rehabilitate water supply systems, flood~~  
12 ~~control facilities, dams and port facilities in order to~~  
13 ~~improve the health, safety and economic well being of the~~  
14 ~~people of the Commonwealth?~~

15 ~~Section 4. The election shall be conducted in accordance~~  
16 ~~with the act of June 3, 1937 (P.L.1333, No.320), known as the~~  
17 ~~"Pennsylvania Election Code," except that the time limits for~~  
18 ~~advertisement of notice of the election may be waived as to the~~  
19 ~~question.~~

20 ~~Section 5. Proceeds of borrowing shall be used through loans~~  
21 ~~to provide for repairs, reconstruction and rehabilitation of~~  
22 ~~water supply systems, flood control facilities, dams and port~~  
23 ~~facilities necessary to insure compliance with State and Federal~~  
24 ~~health and safety standards and to promote the Commonwealth's~~  
25 ~~economic development.~~

26 ~~Section 6. This act shall take effect immediately.~~

27 ~~SECTION 1. THE FIRST PARAGRAPH OF CLAUSE (1) OF SUBSECTION~~ <—  
28 ~~(A) OF SECTION 16, ACT OF JANUARY 19, 1968 (1967 P.L.996,~~  
29 ~~NO.443), KNOWN AS "THE LAND AND WATER CONSERVATION AND~~  
30 ~~RECLAMATION ACT," AMENDED OCTOBER 10, 1980 (P.L.921, NO.158), IS~~

1 AMENDED TO READ:

2 SECTION 16. ALLOTMENT OF MONEYS.--(A) THE MONEYS RECEIVED  
3 BY THE COMMONWEALTH FROM THE ISSUANCE AND SALE OF BONDS AND  
4 NOTES PURSUANT TO THIS ACT WHEN APPROPRIATED BY THE GENERAL  
5 ASSEMBLY FROM THE DEVELOPMENT FUND SHALL BE ALLOTTED FOR THE  
6 FOLLOWING SPECIFIC PURPOSES:

7 (1) TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES THE SUM OF  
8 TWO HUNDRED MILLION DOLLARS (\$200,000,000) FOR THE ELIMINATION  
9 OF LAND AND WATER SCARS CREATED BY PAST MINING PRACTICES, [ONE  
10 HUNDRED THIRTY MILLION DOLLARS (\$130,000,000)] ONE HUNDRED  
11 TWENTY MILLION DOLLARS (\$120,000,000) OF WHICH SHALL BE USED FOR  
12 THE PREVENTION, CONTROL AND ELIMINATION OF STREAM POLLUTION FROM  
13 MINE DRAINAGE, THE RESTORATION OF ABANDONED STRIP MINE AREAS, OR  
14 THE ELIMINATION OR CONTROL OF ABANDONED MINE CONDITIONS  
15 DETRIMENTAL TO PUBLIC HEALTH AND SAFETY, TWENTY MILLION DOLLARS  
16 (\$20,000,000) OF WHICH SHALL BE USED FOR THE PREVENTION, CONTROL  
17 AND ELIMINATION OF AIR POLLUTION FROM ABANDONED BURNING COAL  
18 REFUSE BANKS PROVIDED SUCH LAND AND BANK MATERIAL IS PUBLICLY  
19 OWNED, AND [FIFTY MILLION DOLLARS (\$50,000,000)] SIXTY MILLION  
20 DOLLARS (\$60,000,000) OF WHICH SHALL BE USED FOR THE PREVENTION  
21 OF SURFACE SUBSIDENCE AND ELIMINATION OF SUBSIDENCE HAZARDS  
22 ABOVE ABANDONED MINE OPERATIONS, FOR THE SEALING OF ABANDONED  
23 DEEP MINES, FOR THE CONTROL AND EXTINGUISHMENT OF SURFACE AND  
24 UNDERGROUND FIRES FROM ABANDONED MINES AND FOR ADMINISTRATION  
25 EXPENSES ATTENDANT THERETO.

26 \* \* \*

27 SECTION 2. SUBSECTION (E) OF SECTION 20 OF THE ACT, ADDED  
28 OCTOBER 10, 1980 (P.L.921, NO.158), IS AMENDED TO READ:

29 SECTION 20. APPROPRIATIONS.--\* \* \*

30 (E) ALL MONEYS LAPSED UNDER CLAUSE (1) OF SUBSECTION (A) OF

1 SECTION 16 ARE HEREBY APPROPRIATED FOR FOUR FISCAL YEARS  
2 BEGINNING JULY 1, 1979, TO THE DEPARTMENT OF ENVIRONMENTAL  
3 RESOURCES FOR THE PURPOSES SPECIFIED IN CLAUSE (1) OF SUBSECTION  
4 (A) OF SECTION 16. EXPENDITURES FROM SUCH APPROPRIATION SHALL  
5 NOT BE SUBJECT TO THE LIMITATION SET FORTH IN SUBSECTION (C) OF  
6 SECTION 16. THE BALANCE OF THE FOREGOING APPROPRIATION TOGETHER  
7 WITH SUCH OTHER APPROPRIATIONS MADE FOR THE PURPOSE OF CLAUSE  
8 (1) OF SUBSECTION (A) OF SECTION 16 WHICH REMAINS UNEXPENDED,  
9 UNENCUMBERED OR UNCOMMITTED AFTER JUNE 30, 1983, SHALL [LAPSE]  
10 NOT LAPSE BUT SHALL REMAIN TO THE CREDIT OF THE DEPARTMENT OF  
11 ENVIRONMENTAL RESOURCES UNTIL EXPENDED IN ACCORDANCE WITH THE  
12 PROVISIONS OF THIS APPROPRIATION.

13 \* \* \*

14 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.