
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 118

Session of
1985

INTRODUCED BY COLE, DAVIES, LUCYK, COWELL, COY, FEE, MORRIS,
SCHULER, JACKSON, MARKOSEK, MAYERNIK, HERSHEY, G. M. SNYDER,
SCHEETZ, BOOK, BARLEY, PHILLIPS, COSLETT, BURD, E. Z. TAYLOR
AND SHOWERS, JANUARY 29, 1985

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS,
JANUARY 29, 1985

AN ACT

1 Establishing a Chesapeake Bay Pollution Abatement Account to be
2 administered by the State Conservation Commission; and
3 providing for the powers and duties of the commission with
4 respect to the account.

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

7 Section 1. Definitions.

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

11 "Account." The Chesapeake Bay Pollution Abatement Restricted
12 Receipt Account.

13 "BMP." Pennsylvania Agricultural Best Management Practice as
14 established by the Statewide Plan for Agricultural and
15 Earthmoving Activities or any other practice approved by the
16 State Conservation Commission.

17 "Commission." The State Conservation Commission created by

1 the act of May 15, 1945 (P.L.547, No.217), known as the
2 Conservation District Law.

3 "Department." The Department of Environmental Resources.

4 "Program." The Chesapeake Bay Pollution Abatement Program.

5 Section 2. Chesapeake Bay Pollution Abatement Account.

6 There is hereby created a Chesapeake Bay Pollution Abatement
7 Account as a restricted account in the Treasury Department. It
8 shall be utilized by the department as a nonlapsing, revolving
9 account for carrying out the provisions of this act. To it shall
10 be credited funds appropriated by the General Assembly for the
11 program together with all Federal augmentation amounts
12 appropriated for the program and funds from any other source
13 designated for the program. All such funds are hereby
14 appropriated to the department for the purposes of this act.

15 Section 3. Administration of account.

16 (a) Powers and duties of commission.--The account shall be
17 administered by the commission, which shall have the power and
18 its duty shall be:

19 (1) To coordinate the program and be responsible for
20 expenditures from the account.

21 (2) To utilize a portion of the account to establish and
22 administer a cost-share program to provide assistance to
23 agricultural producers to accelerate the installation of best
24 management practices in watersheds which lie within the
25 Chesapeake Bay drainage basin. The commission shall establish
26 guidelines and regulations for the cost-share program which
27 shall, as nearly as possible, correspond with cost-share
28 programs authorized by the act of May 15, 1945 (P.L.547,
29 No.217), known as the Conservation District Law, and similar
30 programs administered by the Federal Soil Conservation

1 Service and the Agricultural Stabilization and Conservation
2 Service of the United States Department of Agriculture. Such
3 assistance shall not exceed 80% of the cost of installing any
4 BMP. In establishing regulations for cost-share programs, the
5 commission shall consider the following:

6 (i) The effectiveness of the BMP to be installed.

7 (ii) The emphasis of the BMP on nutrient management
8 practices.

9 (iii) The greater need for assisting individual BMP
10 projects than for assisting long-term ongoing projects.

11 (b) Guidelines and regulations.--

12 (1) In order to facilitate the speedy implementation of
13 this program, the department shall have the power and
14 authority to promulgate, adopt and use guidelines which shall
15 be published in the Pennsylvania Bulletin. The guidelines
16 shall not be subject to review pursuant to section 205 of the
17 act of July 31, 1968 (P.L.769, No.240), referred to as the
18 Commonwealth Documents Law, sections 204(b) and 301(10) of
19 the act of October 15, 1980 (P.L.950, No.164), known as the
20 Commonwealth Attorneys Act, or the act of June 25, 1982
21 (P.L.633, No.181), known as the Regulatory Review Act, and,
22 except as provided in paragraph (3), shall be effective for a
23 period not to exceed one year from the effective date of this
24 act.

25 (2) Except as provided in paragraph (3), after the
26 expiration of the one-year period, all guidelines shall
27 expire and shall be replaced by regulations which shall have
28 been promulgated, adopted and published as provided by law.

29 (3) The General Assembly may provide for an extension of
30 the guidelines adopted pursuant to paragraph (1), if the

1 Leadership Committee created pursuant to sections 3 and 4 of
2 the act of December 22, 1981 (P.L.508, No.142), known as the
3 Sunset Act, extends the guidelines adopted pursuant to
4 paragraph (1).

5 Section 4. Expiration.

6 The account, together with the functions and duties
7 authorized for the commission under this act, shall terminate
8 and go out of existence on June 30, 1989. Evaluation and review,
9 termination, reestablishment and continuation of the account
10 shall be conducted pursuant to the provisions of the act of
11 December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

12 Section 5. Effective date.

13 This act shall take effect immediately.