

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1059 Session of
2007

INTRODUCED BY MCILHINNEY, WONDERLING, RAFFERTY, MUSTO, BAKER,
GREENLEAF, C. WILLIAMS, FUMO, ERICKSON, WASHINGTON, STOUT,
O'PAKE, BOSCOLA AND BROWNE, OCTOBER 25, 2007

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 25, 2007

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," providing for transfers of funds and funding
31 for the Hazardous Sites Cleanup Fund.

32 The General Assembly finds and declares as follows:

1 The purpose of this act is to:

2 (1) Provide an emergency transfer of funds to the
3 Hazardous Sites Cleanup Fund for the 2007-2008 fiscal year in
4 order to preserve the fund's financial viability, maintain
5 the Department of Environmental Protection's ability to
6 respond immediately to any threat to public health and safety
7 from toxic chemicals or hazardous substances, continue the
8 Commonwealth's share of matching funds to vital Federal
9 programs such as Superfund, support land recycling and
10 brownfield redevelopment programs and otherwise allow the
11 Department of Environmental Protection to fulfill its
12 obligations and duties under the act of October 18, 1988
13 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.

14 (2) Strongly encourage the Governor, General Assembly
15 and relevant stakeholders to immediately begin work to find a
16 permanent, dedicated source of funding for the Hazardous
17 Sites Cleanup Fund or reach agreement that an appropriation
18 for the Hazardous Sites Cleanup Fund will be provided in the
19 annual budget.

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

22 Section 1. Section 1702-A(b)(1) of the act of April 9, 1929
23 (P.L.343, No.176), known as The Fiscal Code, amended July 7,
24 2005 (P.L.174, No.41), is amended to read:

25 Section 1702-A. Funding.

26 * * *

27 (b) Transfer of portion of surplus.--

28 (1) Except as may be provided in paragraph (2), for
29 fiscal years beginning after June 30, 2002, the following
30 apply:

1 (i) Except as set forth in [subparagraph (ii)]
2 subparagraphs (ii) and (iii), if the Secretary of the
3 Budget certifies that there is a surplus in the General
4 Fund for a specific fiscal year, 25% of the surplus shall
5 be deposited by the end of the next succeeding quarter
6 into the Budget Stabilization Reserve Fund.

7 (ii) If the Secretary of the Budget certifies, after
8 June 30, 2005, that there is a surplus in the General
9 Fund for the fiscal year 2004-2005, 15% of the surplus
10 shall be deposited by the end of the next succeeding
11 quarter into the Budget Stabilization Reserve Fund.

12 (iii) For the fiscal year ending June 30, 2007:

13 (A) The transfer shall be equal to 25% of the
14 General Fund surplus minus \$30,000,000.

15 (B) In addition to the transfer required under
16 clause (A), \$30,000,000 of the surplus shall be
17 transferred to the Hazardous Sites Cleanup Fund
18 established under section 602.3 of the act of March
19 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code
20 of 1971."

21 * * *

22 Section 2. This act shall be retroactive to June 30, 2007.

23 Section 3. This act shall take effect immediately.