

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1100 Session of
2007

INTRODUCED BY PILEGGI, M. WHITE, MUSTO, ERICKSON, PUNT, VANCE,
GREENLEAF, GORDNER, RHOADES, BOSCOLA, WOZNIAK, MADIGAN,
ROBBINS, CORMAN, BAKER, STOUT, FERLO, WAUGH, D. WHITE, PIPPY
AND BROWNE, OCTOBER 22, 2007

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 22, 2007

AN ACT

1 Providing for the Hazardous Sites Cleanup Fund, for its funding,
2 for expenditures from the fund and for audits of the fund;
3 making an appropriation; and making related repeals.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Hazardous
8 Sites Cleanup Fund Funding Act.

9 Section 2. Definitions.

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

13 "Department." The Department of Environmental Protection of
14 the Commonwealth.

15 "Fund." The Hazardous Sites Cleanup Fund.

16 Section 3. Lapsing of prior legislative appropriations.

17 (a) Determination.--Within ten days of the effective date of

1 this section, the State Treasurer shall determine the amounts of
2 appropriations for the Legislative Department under the general
3 appropriation acts for all fiscal periods prior to July 1, 2007,
4 which remain unexpended, uncommitted or unencumbered as of the
5 effective date of this section.

6 (b) Lapses of Legislative Department amounts.--Any amounts
7 remaining of appropriations for the Legislative Department
8 enacted in general appropriation acts prior to July 1, 2004,
9 which are unexpended, uncommitted or unencumbered as of the
10 effective date of this section are hereby automatically lapsed.

11 (c) Lapse of Capitol Centennial Commission amounts.--Any
12 amounts remaining of appropriations for the Legislative
13 Department for the Capitol Centennial Commission which remain
14 unexpended, uncommitted or unencumbered as of the effective date
15 of this section are hereby automatically lapsed.

16 (d) Lapse of certain amounts.--Eight and one half percent of
17 any amount remaining unexpended, uncommitted or unencumbered in
18 each appropriation for the Legislative Department enacted in a
19 general appropriation act after June 30, 2004, and prior to July
20 1, 2007, is hereby automatically lapsed.

21 (e) Actions.--The State Treasurer shall take such actions as
22 may be necessary to effectuate the lapse of funds provided by
23 this section.

24 Section 4. Transfer of funds.

25 (a) Transfer for future fiscal years.--In fiscal years
26 beginning after June 30, 2008, the State Treasurer shall
27 transfer \$40,000,000 of the revenues received pursuant to the
28 tax imposed under Article VI of the act of March 4, 1971 (P.L.6,
29 No.2), known as the Tax Reform Code of 1971, to the fund.

30 (b) Transfer.--A sum of money equal to the amount lapsed

1 under section 3 shall be transferred to the Hazardous Sites
2 Cleanup Fund by the State Treasurer within 30 days of the
3 effective date of this section.

4 Section 5. Appropriation.

5 Money deposited in the fund is appropriated upon
6 authorization of the Governor for expenditures by the department
7 for the purposes enumerated in section 902(a) of the act of
8 October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites
9 Cleanup Act.

10 Section 6. Annual report.

11 (a) Submission and posting.--The annual report required
12 under section 902(c) of the act of October 18, 1988 (P.L.756,
13 No.108), known as the Hazardous Sites Cleanup Act, shall be
14 transmitted by the department to the General Assembly no later
15 than August 31 of each year. The annual report may be submitted
16 to the General Assembly via electronic mail. The department
17 shall also publish and maintain the annual report on the
18 department's publicly accessible Internet website.

19 (b) Contents.--In addition to the information required to be
20 submitted under section 902(c) of the Hazardous Sites Cleanup
21 Act, the annual report shall also contain, at a minimum, the
22 following information:

23 (1) The number and a description of the emergency
24 responses initiated by the department and the costs incurred
25 in the aggregate and for each emergency response.

26 (2) The number and nature of violations of the Hazardous
27 Sites Cleanup Act and the amount of fines and penalties
28 assessed, in the aggregate and for each violation.

29 (3) The amount expended for personnel costs.

30 Section 7. Audit.

1 The Department of Auditor General shall annually conduct an
2 audit of the fund and shall submit a copy of the audit to the
3 chairman and the minority chairman of the Environmental
4 Resources and Energy Committee of the Senate and the chairman
5 and minority chairman of the Environmental Resources and Energy
6 Committee of the House of Representatives.

7 Section 18. Repeals.

8 (a) Absolute.--

9 (1) The General Assembly declares that:

10 (i) the repeal under paragraph (2)(ii) is necessary
11 to effectuate section 3; and

12 (ii) the repeal under paragraph (2)(i) is necessary
13 to effectuate section 4.

14 (2) The following acts and parts of acts are repealed:

15 (i) Section 602.3 of the act of March 4, 1971
16 (P.L.6, No.2), known as the Tax Reform Code of 1971.

17 (ii) Section 901(c)(7) of the act of October 18,
18 1988 (P.L.756, No.108), known as the Hazardous Sites
19 Cleanup Act.

20 (b) Inconsistent.--The act of October 18, 1988 (P.L.756,
21 No.108), known as the Hazardous Sites Cleanup Act, is repealed
22 to the extent of any inconsistency with this act.

23 Section 19. Applicability.

24 (Reserved).

25 Section 20. Effective date.

26 This act shall take effect immediately.