

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2578 Session of 2010

INTRODUCED BY GEORGE, BUXTON, CARROLL, COHEN, DePASQUALE,
GERBER, GRUCELA, HANNA, HARHAI, HORNAMAN, JOSEPHS, KESSLER,
MANN, McILVAINE SMITH, MICCARELLI, PALLONE, PRESTON,
SIPTROTH, STURLA AND YOUNGBLOOD, JUNE 15, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 15, 2010

AN ACT

1 Amending the act of July 10, 2008 (P.L.1009, No.78), entitled
2 "An act providing for the study and mandated content of
3 biofuels," further providing for definitions, for biodiesel
4 content in diesel fuel sold for on-road use, for agency
5 responsibilities and for infrastructure reports; and
6 providing for Biofuel Development Fund.

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

9 Section 1. Section 2 of the act of July 10, 2008 (P.L.1009,
10 No.78), known as the Biofuel Development and In-State Production
11 Incentive Act, is amended by adding definitions to read:

12 Section 2. Definitions.

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

16 "American Society for Testing and Materials International" or
17 "ASTM." A private organization that utilizes committees of
18 industry representatives and regulators to develop product

quality standards and test methods to be used by industries,
regulatory agencies and purchasing agents.

"Annualized basis." The sum of three consecutive months of
in-State production multiplied by four.

"Approved biodiesel blending method." A blending method
where biodiesel, diesel fuel, off-road diesel fuel or oilheat
fuel are blended to maintain a consistent blend throughout the
entire volume and done at a facility capable of maintaining the
biodiesel at ten degrees Fahrenheit above the cloud point of the
biodiesel through the use of department-approved meters to track
the volume of each product individually and maintaining the
blend percentage within a margin of one half of one percent of
the total volume of biodiesel required to make the desired
blending percentage.

"ASTM specification." A standard quality specification
developed and published by the American Society for Testing and
Materials International. Each specification includes references
to standard test methods, also developed and published by ASTM.

* * *

"Biodiesel blend." A blend of biodiesel, diesel fuel, off-
road diesel fuel or oilheat fuel intended to be sold or offered
for sale to ultimate consumers in this Commonwealth for use in
on-road or off-road compression ignition engines or for
residential, commercial or industrial heating applications.

* * *

"Consumer." A person that purchases biodiesel blend, diesel
fuel, off-road diesel fuel or oilheat fuel for purposes other
than resale.

* * *

"Diesel fuel." Petroleum diesel fuel that complies with ASTM

D975 or its successor standard having a maximum allowable sulphur content at the point of use of no more than 15 parts per million (PPM).

"Distributor." A person that manufactures, refines, receives for storage, distributes or sells diesel fuel, off-road diesel fuel or oilheat fuel biodiesel or biodiesel blend in this Commonwealth for subsequent distribution to another person other than the consumer.

"Fund." The Biofuel Development Fund established in section 8(a).

"Manufacture." To produce, mix, blend, repackage or further process.

* * *

"Off-road diesel fuel." Fuel as defined in 75 Pa.C.S. § 9002 (relating to definitions) as "dyed diesel fuel" which is intended to be sold for or used in off-road compression ignition engines that complies with ASTM D975 or its successor standard having a maximum allowable sulphur content at the point of use of no more than 500 parts per million (PPM), or other lower maximum allowable sulphur content as shall become required by Federal law.

"Oilheat fuel." Petroleum heating fuel that complies with ASTM D396 or its successor standard having a maximum allowable sulphur content at the point of use of no more than 2,000 parts per million (PPM), or other lower maximum allowable sulphur content as shall become required by this act and intended to be sold for or used in residential, commercial or industrial heating applications.

"Person." An individual, corporation, partnership, stock company, society, association or business unit or agent or

1 employee thereof.

2 "Petroleum load rack terminals." A location, supplied by
3 pipeline, barge, or direct refinery access, where the commercial
4 transfer of diesel fuel, off-road diesel fuel or oilheat fuel,
5 biodiesel and biodiesel blend, at the wholesale level is
6 conducted utilizing meters employed in the measurement of
7 product delivered to a seller by a buyer.

8 "Producer." A person that purchases component elements and
9 blends them to produce biodiesel blend.

10 "Refinery" or "terminal." A petroleum refinery, pipeline
11 terminal, river terminal, load rack terminal, storage facility,
12 producer facility or other point of origin of diesel fuel, off-
13 road diesel fuel or oilheat fuel, biodiesel and biodiesel blend,
14 that is manufactured, blended or imported by rail, truck, barge
15 or pipe and held, stored, transferred, offered for distribution,
16 distributed, offered for sale or sold.

17 * * *

18 "Retailer." A person that sells diesel fuel, off-road diesel
19 fuel or oilheat fuel, biodiesel or biodiesel blend to the
20 consumer.

21 "Sale," "sell" or "sold." To transfer title for
22 consideration.

23 "Unclassified importer." A person that imports or causes to
24 be imported diesel fuel, off-road diesel fuel or oilheat fuel,
25 biodiesel or biodiesel blend for use, distribution or sale in
26 this Commonwealth, but that does not qualify as a distributor.

27 Section 2. Section 3 heading and subsections (a) and (f) of
28 the act are amended to read:

29 Section 3. Biodiesel and sulphur content in diesel fuel sold
30 for on-road [use] or off-road use and oilheat fuel.

(a) [Volume standards] Standards.--The following standards shall apply:

(1) All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth for use in on-road compression ignition engines must [contain] be blended with biodiesel so as to achieve a biodiesel blend of at least 2% biodiesel by volume one year after the in-State production volume of 40,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis as determined by the department. The biodiesel blend shall comply with ASTM specification D975 or its successor standard.

(2) All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth for use in on-road compression ignition engines must [contain] be blended with biodiesel so as to achieve a biodiesel blend of at least 5% biodiesel by volume one year after the in-State production volume of 100,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis as determined by the department. The biodiesel blend shall comply with ASTM specification D975 or its successor standard.

(3) All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth for use in on-road compression ignition engines must [contain] be blended with biodiesel so as to achieve a biodiesel blend of at least 10% biodiesel by volume one year after the in-State production volume of 200,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis as determined by the department. The biodiesel blend shall

1 comply with ASTM specification D7467 or its successor
2 standard.

3 (4) All diesel fuel sold or offered for sale to ultimate
4 consumers in this Commonwealth for use in on-road compression
5 ignition engines must [contain] be blended with biodiesel so
6 as to achieve a biodiesel blend of at least 20% biodiesel by
7 volume one year after the in-State production volume of
8 400,000,000 gallons of biodiesel has been reached and
9 sustained for three months on an annualized basis as
10 determined by the department. The biodiesel blend shall
11 comply with ASTM specification D7467 or its successor
12 standard.

13 (5) All oilheat fuel and off-road diesel fuel sold or
14 offered for sale to ultimate consumers in this Commonwealth
15 must be blended with biodiesel to achieve a biodiesel blend
16 of at least 5% biodiesel by volume after May 1, 2011.

17 (6) All oilheat fuel and off-road diesel fuel sold or
18 offered for sale to ultimate consumers in this Commonwealth
19 must be blended with biodiesel to achieve a biodiesel blend
20 of at least 10% biodiesel by volume after May 1, 2013,
21 provided one of the following conditions is met:

22 (i) The national biodiesel board and the national
23 oilheat research alliance both certify by resolution to
24 the department that a blend of oilheat fuel and biodiesel
25 of at least 10% biodiesel by volume is not detrimental to
26 the operation of a residential, commercial or industrial
27 heating system if used for its intended use.

28 (ii) The ASTM amends its standard D396 to include
29 blends of at least 10% biodiesel.

30 (7) (i) On or after May 1, 2011, oilheat fuel sold for

1 use in residential, commercial or industrial heating
2 within this Commonwealth shall have a sulphur content of
3 no more than 15 parts per million (PPM).

4 (ii) The department, with the concurrence of the
5 Department of Environmental Protection, may suspend or
6 modify to increase the allowable sulphur content of
7 oilheat fuel required by this subsection if the
8 department determines the suspension or modification is
9 warranted by an insufficient quantity of reasonable
10 available oilheat fuel of the required sulphur content in
11 a particular geographic area.

12 * * *

13 (f) Exception.--The requirements of this section shall not
14 apply [to aviation fuel, home heating fuel or where prohibited
15 by law.]:

- 16 (1) to aviation fuel;
17 (2) to home heating fuel;
18 (3) to locomotive fuel;
19 (4) to marine fuel;
20 (5) to grades of fuel oil other than grades numbered 1
21 and 2 under ASTM specifications D396 AND D975;
22 (6) to diesel fuel produced from 100% Pennsylvania grade
23 crude oil by a small refiner, as defined in 40 CFR 80.1101(g)
24 (relating to definitions), through December 31, 2010; or
25 (7) where prohibited by law.

26 Section 3. Section 5 of the act is amended by adding
27 subsections to read:

28 Section 5. Agency responsibilities.

29 * * *

30 (e) Enforcement.--

1 (1) The department is charged with the general
2 enforcement of this act. The department may employ all proper
3 means for the enforcement of this act, including issuing
4 notices and orders, filing violations for criminal
5 prosecution, seeking injunctive relief, imposing civil
6 penalties and entering into consent agreements.

7 (2) Any person that imports, transfers, offers for sale
8 or sells biodiesel, diesel fuel, off-road diesel fuel,
9 oilheat fuel or biodiesel blend in this Commonwealth for use
10 in on-road or off-road compression ignition engines or for
11 residential, commercial or industrial heating applications
12 shall register with the department.

13 (3) Biodiesel blend shall be created using an approved
14 biodiesel blending method at such a time and place where the
15 diesel fuel, off-road diesel fuel or oilheat fuel is loaded
16 out of a petroleum load rack terminal in this Commonwealth
17 for further distribution, storage, transfer, offer for sale
18 or sale in this Commonwealth.

19 (4) Diesel fuel, off-road diesel fuel and oilheat fuel
20 imported into this Commonwealth must be imported by
21 registered importers and must be blended with biodiesel to
22 create biodiesel blend by an approved biodiesel blending
23 method before the fuel may be sold or offered for sale within
24 this Commonwealth to any person other than the importer.

25 (5) If a person has multiple locations where the person
26 conducts the activities set forth in paragraphs (2), (3) and
27 (4), each location shall be separately registered, but may be
28 submitted in a single electronic form. This paragraph
29 includes in-State and out-of-State persons, such as
30 refineries, terminals, distributors, producers, retailers and

1 unclassified importers that transfer, sell or offer for sale
2 biodiesel and biodiesel blend products for use in on-road or
3 off-road compression ignition engines or for residential,
4 commercial or industrial heating applications in this
5 Commonwealth.

6 (6) Any time biodiesel blend is sold or transferred from
7 a refinery, terminal, distributor, producer, unclassified
8 importer or any person, for sale to ultimate consumers in
9 this Commonwealth, either directly or through a retailer or
10 other person, a bill of lading or shipping manifest shall be
11 provided to the person that receives the biodiesel blend. The
12 shipping manifest or bill of lading shall accompany the
13 biodiesel blend to the retailer. For direct consumer sales of
14 biodiesel blend by a refinery, terminal, distributor,
15 producer, unclassified importer or any person other than a
16 retailer, such bills of lading or shipping manifest shall be
17 retained at the point of sale. A copy of such records shall
18 be retained by the refinery, terminal, distributor, producer,
19 unclassified importer or person conducting the sale for a
20 period of one year from delivery of the biodiesel blend
21 product or for a longer period of time if part of an
22 enforcement action. For biodiesel blend, the bill of lading
23 or shipping manifest shall contain and disclose the following
24 information:

25 (i) The Pennsylvania registration number, name and
26 location of the terminal, refinery, distributor,
27 producer, unclassified importer or person that created
28 the biodiesel blend.

29 (ii) The biodiesel content, stating volume
30 percentage, based upon gallons of biodiesel per gallons

1 of diesel fuel base-stock, or an ASTM "Bxx" designation
2 where "xx" denotes the volume percentage biodiesel
3 included in the blended product.

4 (iii) The ASTM specification of the biodiesel used
5 in the biodiesel blend.

6 (iv) The grade and ASTM specification of the diesel
7 fuel, off-road diesel fuel or oilheat fuel used in the
8 biodiesel blend and, for biodiesel blends made with
9 oilheat fuel, the sulfur content of the oilheat fuel.

10 (v) The ASTM specification of the biodiesel blend.

11 (vi) The total gallons of biodiesel blend sold,
12 shipped or transferred.

13 (vii) A certification signed by the refinery,
14 terminal, distributor, producer, unclassified importer or
15 other person that created the biodiesel blend stating
16 that it was created by an approved biodiesel blending
17 method and the information contained in the bill of
18 lading or shipping manifest is true and correct subject
19 to the penalties of 18 Pa.C.S. § 4904 (relating to
20 unsworn falsification to authorities).

21 (7) Retailers offering a biodiesel blend product for
22 ultimate sale to consumers for use in on-road or off-road
23 compression ignition engines or for residential, commercial
24 or industrial heating applications in this Commonwealth
25 shall:

26 (i) Assure they receive and retain a copy of the
27 bills of lading and shipping manifests required by this
28 section.

29 (ii) With regard to the sale or delivery of
30 biodiesel blending utilizing oilheat fuel, provide the

1 consumer as part of the sale or delivery a receipt
2 showing the Pennsylvania registration number of the
3 person that created the biodiesel blend and the biodiesel
4 and sulfur content as required to be included in the
5 bills of lading by subsection (e)(6)(ii) and (iv). These
6 records shall be retained for a period of one year from
7 receipt of the biodiesel blend product, or for a longer
8 period of time if requested by the department as part of
9 an enforcement action, either at the facility where the
10 product is sold or at the corporate headquarters, so long
11 as the bills of lading and shipping manifests remain at
12 the facility where the product is sold until such time as
13 that product is sold or is no longer present at the
14 facility. Notwithstanding the provisions of this
15 subsection, no retailer shall be found in violation of
16 this act for failure to make the records required by this
17 section immediately available to the department upon
18 inspection of the facility where the product is sold,
19 provided that the records are submitted to the department
20 within two business days.

21 (8) Any time biodiesel is sold or transferred from any
22 person to be sold or offered for sale to ultimate consumers
23 in this Commonwealth for use in on-road or off-road
24 compression ignition engines or for residential, commercial
25 or industrial heating applications as part of a biodiesel
26 blend, a certification shall be provided to the person that
27 receives the biodiesel. The certification shall accompany the
28 biodiesel to the person that creates the biodiesel blend and
29 shall accompany the biodiesel blend into which the biodiesel
30 has been incorporated to the retailer. The certification

1 shall be signed by the person selling or transferring the
2 biodiesel and state that the biodiesel is compliant with the
3 definition and quality standards for biodiesel under this
4 act, including ASTM D-6751-02, or its successor standard, and
5 be made subject to the penalties of 18 Pa.C.S. § 4904. A copy
6 of the certification shall be retained by the person selling
7 or transferring the biodiesel, the person creating the
8 biodiesel blend and by the retailer for a period of one year
9 from delivery of the biodiesel or biodiesel blend, as
10 applicable, or for a longer period of time if requested by
11 the department as part of an enforcement action. With regard
12 to a retailer, a copy of the certification may be retained at
13 the corporate headquarters so long as the certification
14 remains at the facility where the product is sold until such
15 time as that product is sold or is no longer present at the
16 facility. Notwithstanding the provisions of this subsection,
17 no retailer shall be found in violation of this act for
18 failure to make the records required by this section
19 immediately available to the department upon inspection of
20 the facility where the product is sold, provided that the
21 records are submitted to the department within two business
22 days.

23 (9) The department shall have the following authority:

24 (i) To conduct unannounced random inspections of any
25 person or establishment located in this Commonwealth that
26 stores, holds, blends, sells or offers for sale diesel
27 fuel, off-road diesel fuel, oilheat fuel, biodiesel or
28 biodiesel blend. Inspections shall include the premises,
29 tanks, storage facilities, transportation and storage
30 vehicles, dispensing devices and any other place where

diesel fuel, off-road diesel fuel, oilheat fuel,
biodiesel or biodiesel blend is stored, held, blended,
sold or offered for sale.

(ii) To take samples of and test the diesel fuel,
off-road diesel fuel, oilheat fuel, biodiesel and
biodiesel blend being stored, held, blended, sold or
offered for sale.

(iii) To audit the books and records, including
copying, pertaining to the diesel fuel, off-road diesel
fuel, oilheat fuel, biodiesel or biodiesel blend being
stored, held, sold or offered for sale, and its component
parts, including:

(A) Delivery invoices, bills of lading and
shipping manifests.

(B) Sales invoices, bills of lading and shipping
manifests.

(C) Inventory records.

(D) Contracts and agreements between suppliers,
buyers and sellers.

(10) The department is authorized to access, during
regular business hours, the premises, including the tanks,
storage facilities, transportation and storage vehicles,
dispensing devices and any other place where diesel fuel,
off-road diesel fuel, oilheat fuel, biodiesel or biodiesel
blend is stored, held, blended, sold or offered for sale, and
the records of any establishment, located in this
Commonwealth, where diesel fuel, off-road diesel fuel,
oilheat fuel, biodiesel or biodiesel blend is stored, held,
processed, distributed, offered or exposed for sale or sold
in this Commonwealth for the purpose of investigation and

1 enforcement of this act, including auditing records and
2 taking samples of diesel fuel, off-road diesel fuel, oilheat
3 fuel, biodiesel or biodiesel blend from tanks, storage
4 facilities, transportation and storage vehicles, dispensing
5 devices and any other place where diesel fuel, off-road
6 diesel fuel, oilheat fuel, biodiesel or biodiesel blend is
7 stored, held, blended, sold or offered for sale. A person
8 that willfully and intentionally interferes with an employee
9 of the department in the performance of duties or activities
10 authorized under this act commits a misdemeanor of the third
11 degree.

12 (11) The department shall have the authority to issue
13 stop-sale orders with respect to all biodiesel and biodiesel
14 blend stored, held, blended, sold or offered for sale to
15 ultimate consumers in this Commonwealth for use in on-road or
16 off-road compression ignition engines or for residential,
17 commercial or industrial heating applications where the
18 department determines, after sampling and analysis, that the
19 biodiesel or biodiesel blend does not comply with the
20 standards established by this act or the regulations
21 promulgated under this act and would be detrimental to the
22 operation of on-road or off-road compression ignition engines
23 or residential, commercial or industrial heating if used for
24 its intended use. The department shall release the
25 noncompliant biodiesel or biodiesel blend for sale only when
26 the department determines the biodiesel or biodiesel blend is
27 either brought into compliance with this act or regulations
28 promulgated under this act or it would no longer be
29 detrimental to the operation of on-road or off-road
30 compression ignition engines or residential, commercial or

1 industrial heating systems if used for its intended use. All
2 such biodiesel or biodiesel blend must be properly labeled as
3 to its noncompliant characteristics if released and permitted
4 to be sold without being brought into compliance with this
5 act or regulations promulgated under this act. A person that
6 knowingly sells or offers for sale biodiesel or biodiesel
7 blend subject to a stop-sale order in this Commonwealth for
8 use by ultimate consumers in on-road or off-road compression
9 ignition engines or for residential, commercial or industrial
10 heating applications commits a misdemeanor of the third
11 degree.

12 (f) Penalties.--

13 (1) The department may assess a civil penalty of not
14 less than \$100 nor more than \$1,000 per day for each knowing
15 violation of this act or a regulation promulgated under this
16 act.

17 (2) The department shall provide written notice of the
18 penalty amount as well as the general factual and legal basis
19 for the penalty and shall advise the affected person that,
20 within 15 days of receipt of the notice, the person may file
21 with the Secretary of Agriculture a written request for an
22 administrative hearing. Unless a timely request has been
23 filed, the written notice shall become final. If a written
24 request for a hearing is timely filed, the hearing on the
25 penalty assessment shall be held in accordance with the
26 provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
27 and procedure of Commonwealth agencies) and 7 Subch. A
28 (relating to judicial review of Commonwealth agency action).

29 (3) In cases of inability to collect the civil penalty
30 or failure of any person to pay all or a portion of the

1 penalty, the department may refer the matter to the Office of
2 General Counsel or the Office of Attorney General, which
3 shall institute an action in the appropriate court to recover
4 the penalty.

5 (4) A person that knowingly violates a provision of this
6 act or a rule or regulation adopted or order issued under
7 this act:

8 (i) Unless otherwise specified in this act, for the
9 first offense, commits a summary offense and shall, upon
10 conviction, be sentenced to pay a fine of not less than
11 \$100 nor more than \$500 plus costs of prosecution or to
12 imprisonment for not more than 90 days, or both.

13 (ii) For a subsequent offense at a registered
14 location that occurs within two years of sentencing for
15 the prior violation, commits a misdemeanor of the third
16 degree and shall, upon conviction, be sentenced to pay a
17 fine of not less than \$500 nor more than \$1,000 plus
18 costs of prosecution or to imprisonment of not more than
19 one year, or both.

20 (5) In addition to any other remedies set forth under
21 this act, a violation of this act or a regulation promulgated
22 under this act shall be abatable in the manner provided by
23 law or equity. In cases where the circumstances require it, a
24 mandatory preliminary injunction, special injunction or
25 temporary restraining order may be issued upon the terms
26 prescribed by the court, provided notice of the application
27 has been given to the respondent in accordance with the rules
28 of equity practice. In any proceeding, the court shall issue
29 a prohibitory or mandatory injunction if it finds that the
30 respondent is engaging in unlawful conduct as defined under

1 this act or is engaging in conduct which is causing immediate
2 and irreparable harm to the public. In addition to the
3 injunction, the court, in the equity proceeding, may assess
4 civil penalties in accordance with this section.

5 (g) Fees.--The department may impose registration and user
6 fees to recover costs of enforcement, such as, sampling,
7 inspection, lab analysis and testing, supplies, equipment and
8 administration costs and other fixed overhead costs incurred in
9 the enforcement and administration of this act. Unless otherwise
10 specified in this chapter, such fees shall be established by the
11 department through regulations.

12 Section 4. Section 6(a) of the act is amended to read:

13 Section 6. Infrastructure reports.

14 (a) Certification.--At least six months prior to the
15 effective dates of the mandated content requirements contained
16 in sections 3(a)(1), (2), (3) [and], (4), (5) and (6) and 4, the
17 department and the Department of Transportation shall jointly
18 make a certification as to whether there is sufficient
19 transportation, distribution and other necessary infrastructure,
20 including rail capability and terminal facilities, in this
21 Commonwealth to meet the requirements of this act.

22 * * *

23 Section 5. The act is amended by adding a section to read:

24 Section 8. Biofuel Development Fund.

25 (a) Establishment.--There is hereby established in the State
26 Treasury a nonlapsing fund to be known as the Biofuel
27 Development Fund. Fees, fines and penalties, including
28 administrative, civil and criminal penalties and interest
29 collected by the department under this act or regulations
30 promulgated under it shall be paid into the fund.

1 (b) Appropriation.--Money and interest in the fund are
2 hereby appropriated to the department on a continuing basis for
3 activities necessary to meet the requirements of the act and
4 regulations promulgated under it.

5 (c) Supplements.--The Biofuel Development Fund may be
6 supplemented by money received from the following sources:

7 (1) Federal funds appropriated to the department.

8 (2) State funds appropriated to the department.

9 (3) Proceeds from the sale of bonds made available to
10 the department.

11 (4) Another source, including, gifts and other
12 contributions from public and private sources.

13 (d) Administration.--The department shall have authority to
14 adopt procedures for the use of money in the fund including the
15 establishing of accounts within the fund for the purpose of
16 administration of the act and regulations promulgated under it.

17 (e) Applicability.--The provisions of 42 Pa.C.S. Ch. 37
18 Subch. C (relating to judicial computer system) shall not apply
19 to the Biofuel Development Fund and fines collected as criminal
20 penalties under the act.

21 (f) Deposit and use of money.--Administrative action shall
22 not prevent the deposit of money into the fund in the fiscal
23 year in which it is received. The money shall be used only for
24 the purposes authorized under this act and shall not be
25 transferred or diverted to another purpose by administrative
26 action.

27 Section 6. This act shall take effect in 60 days.