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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1755 Session of  
2021

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INTRODUCED BY ZIMMERMAN, GREINER, METCALFE, SMITH, FEE, HAMM,  
JAMES, MENTZER, RYAN, MOUL, COX, BROOKS, ROWE, JOZWIAK,  
WHEELAND AND KEEFER, AUGUST 5, 2021

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
AUGUST 5, 2021

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AN ACT

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

1 Department, further providing for funds.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Section 302 of the act of April 9, 1929 (P.L.343,  
5 No.176), known as The Fiscal Code, is amended to read:

6 Section 302. Funds.--(a) The moneys paid into the State  
7 Treasury, and the moneys of which the State Treasurer is  
8 custodian, shall be credited by the Treasury Department to the  
9 following funds, as hereinafter provided:

10 Agricultural College Land Scrip Fund,  
11 Banking [Department] Fund,  
12 Federal Vocational Education Fund,  
13 Fire Insurance Tax Fund,  
14 Fish Fund,  
15 Game Fund,  
16 General Fund,  
17 Liquid Fuels Tax Fund,  
18 Manufacturing Fund,  
19 Motor License Fund,  
20 School Employes' Retirement Fund,  
21 Sinking Fund,  
22 State College Experimental Farm Fund,  
23 State Employes' Retirement Fund,  
24 State Farm Products Show Fund,  
25 State Insurance Fund,  
26 State School Fund,  
27 State [Workmen's] Workers' Insurance Fund,  
28 Surplus Commodities Stamp Fund,  
29 Historical Preservation Fund,  
30 Vocational Rehabilitation Fund,

1 Rehabilitation Center Fund.

2 1. Agricultural College Land Scrip Fund.--The \$500,000  
3 derived from the sale of lands and scrip, donated to the  
4 Commonwealth for the establishment of a college for the benefit  
5 of agriculture and the mechanical arts by the act of Congress,  
6 approved July second, one thousand eight hundred sixty-two  
7 (Chapter one hundred thirty, twelve Statutes, five hundred  
8 three), entitled "An act donating public lands to the several  
9 states and territories which may provide colleges for the  
10 benefit of agriculture and the mechanic arts," or the  
11 investments representing the same, shall be credited by the  
12 Treasury Department to the Agricultural College Land Scrip Fund.

13 2. Banking [Department] Fund.--All moneys received by the  
14 Treasury Department from the Department of Revenue, arising from  
15 fees, assessments, charges, and penalties, collected or  
16 recovered from persons, firms, corporations, or associations,  
17 under the supervision of the Department of Banking and  
18 Securities, and from the sale by the Department of [Property and  
19 Supplies] General Services of unserviceable property originally  
20 paid for out of the Banking [Department] Fund, shall be credited  
21 to the Banking [Department] Fund.

22 4. Federal Vocational Education Fund.--All moneys received  
23 by the Treasury Department from the Department of Revenue  
24 arising from annual appropriations from the Federal Government  
25 to this Commonwealth for the advancement of vocational  
26 education, shall be credited to the Federal Vocational Education  
27 Fund.

28 5. Fire Insurance Tax Fund.--All moneys received by the  
29 Treasury Department from the Department of Revenue arising from  
30 the two per centum tax paid upon premiums received by foreign

1 fire insurance companies from business done within this  
2 Commonwealth, shall be credited to the Fire Insurance Tax Fund.

3 6. Fish Fund.--All moneys received by the Treasury  
4 Department from the Department of Revenue arising from license  
5 fees, fines, penalties, and other moneys paid, received,  
6 recovered, and collected, under the fish laws, and from the sale  
7 by the Department of [Property and Supplies] General Services of  
8 unserviceable property originally paid for out of the Fish Fund,  
9 shall be credited to the Fish Fund.

10 7. Game Fund.--All moneys received by the Treasury  
11 Department from the Department of Revenue arising from license  
12 fees, fines, penalties, and other moneys paid, received,  
13 recovered, and collected, under the game laws, and from the sale  
14 by the Department of [Property and Supplies] General Services of  
15 unserviceable property originally paid for out of the Game Fund,  
16 shall be credited to the Game Fund.

17 8. General Fund.--All moneys received by the Treasury  
18 Department from the Department of Revenue, or from any other  
19 source, which are not by this act required to be credited to any  
20 other fund, shall be credited to the General Fund.

21 9. Liquid Fuels Tax Fund.--That portion of the liquid fuels  
22 tax received by the Treasury Department from the Department of  
23 Revenue, which is directed by law to be returned to the  
24 counties, shall be credited to the Liquid Fuels Tax Fund.

25 10. Manufacturing Fund.--All moneys received by the Treasury  
26 Department from the Department of Revenue arising from the  
27 industries established and maintained by the Department of  
28 [Justice] Corrections in State institutions, and from the  
29 employment of inmates in maintenance activities, and from the  
30 sale by the Department of [Property and Supplies] General

1 Services of unserviceable property originally paid for out of  
2 the Manufacturing Fund, shall be credited to the Manufacturing  
3 Fund.

4 11. Motor License Fund.--All moneys received by the Treasury  
5 Department from the Department of Revenue arising from title  
6 registration and license fees, fines, penalties, bail forfeited,  
7 and other miscellaneous receipts, collected or recovered under  
8 the motor laws; from the collection of any portion of the Liquid  
9 Fuels Tax, not directed by law to be returned to the counties;  
10 from contributions by the Federal Government and political  
11 subdivisions of this Commonwealth for the improvement,  
12 maintenance, and rebuilding of highways within this  
13 Commonwealth; from the sale of highway bulletins and maps; from  
14 the sale by the Department of [Property and Supplies] General  
15 Services of unserviceable State property originally paid for out  
16 of the Motor License Fund; from fees for permits authorizing  
17 work on State or township highways and restoration charges,  
18 license fees for occupancy of bridges, restoration charges and  
19 payments on agreements to which the Commonwealth has succeeded  
20 upon taking over county bridges; from amounts received from  
21 utility companies covering the cost of constructing facilities  
22 over or rentals for the use of bridges; from forfeited checks,  
23 fees for certifying records of the Department of [Highways]  
24 Transportation, amounts recovered for damage to or loss of  
25 equipment of said department, rentals for equipment of said  
26 department, liquidated damages on highway contracts; and from  
27 tolls collected on intrastate toll bridges, acquired by the  
28 Commonwealth, and paid for out of the Motor License Fund,--shall  
29 be credited to the Motor License Fund.

30 12. School Employes' Retirement Fund.--All moneys in the

1 School Employees' Contingent Reserve Fund, the School Employees'  
2 Annuity Reserve Fund, the School Employees' State Annuity Reserve  
3 Fund, and the School Employees; State Annuity Reserve Fund Number  
4 Two, shall, upon the effective date of this act, be consolidated  
5 into one fund, to be known as the School Employees' Retirement  
6 Fund, and thereafter the Treasury Department shall credit to the  
7 School Employees' Retirement Fund all moneys received by it from  
8 the Department of Revenue, arising from (a) payments by the  
9 Commonwealth of such amounts, certified by the School Employees'  
10 Retirement Board as necessary to pay the State annuity to each  
11 new entrant in the School Employees' Retirement System, (b)  
12 deductions from the salaries of contributors in the School  
13 Employees' Retirement System, and (c) payments by the  
14 Commonwealth of amounts necessary to accumulate a reserve to pay  
15 all State annuity payments to present employes when due.

16 13. Sinking Fund.--All moneys received by the Treasury  
17 Department from the Department of Revenue arising from State  
18 appropriations to meet State road bond sinking fund  
19 requirements, shall be credited to the Sinking Fund. The sum of  
20 one hundred forty-one thousand three hundred twenty dollars and  
21 twenty-six cents (\$141,320.26), which is necessary for the  
22 payment of bonds and obligations of the Commonwealth which have  
23 never been presented for redemption, shall continue to be  
24 credited to the Sinking Fund.

25 14. State College Experimental Farm Fund.--All moneys  
26 derived from the sale of eastern and western experimental farms  
27 of State College, which were originally purchased from Federal  
28 moneys appropriated by the act of Congress, approved July  
29 second, one thousand eight hundred sixty-two (Chapter one  
30 hundred thirty, twelve Statutes, five hundred three), entitled

1 "An act donating lands to the several states and territories  
2 which may provide colleges for the benefit of agriculture and  
3 the mechanic arts," or the investments representing the same,  
4 shall be credited to the State College Experimental Farm Fund.

5 15. State Employees' Retirement Fund.--All moneys in the  
6 State Employees' Contingent Reverse Fund, the State Employees'  
7 Annuity Reserve Fund, the State Employees' Annuity Savings Fund,  
8 the State Employees' State Annuity Reserve Fund, and the State  
9 Employees' State Annuity Reserve Fund Number Two, shall, upon the  
10 effective date of this act, be consolidated into one fund to be  
11 known as the State Employees' Retirement Fund, and thereafter the  
12 Treasury Department shall credit to the State Employees'  
13 Retirement Fund all moneys received by it from the Department of  
14 Revenue, arising from (a) payments by the Commonwealth of such  
15 amounts, certified by the retirement board as necessary to  
16 provide a proper reserve to pay the State annuity to all new  
17 members in the State Employees' Retirement System, (b) deductions  
18 from the salaries of contributors in the State Employees'  
19 Retirement System, and (c) payments by the Commonwealth of  
20 amounts necessary to accumulate a reserve to meet the annuity  
21 values of all retiring original members in the State Employees'  
22 Retirement System.

23 16. State Farm Products Show Fund.--All moneys received by  
24 the Treasury Department from the Department of Revenue, arising  
25 from the leasing or sub-leasing, by the State Farm Products Show  
26 Commission, of space to exhibitors, including the departments,  
27 boards, and commissions of the State Government, the leasing of  
28 the State Farm Show Building for exhibitions, conventions, or  
29 other proper purposes, admission and entry fees, and any other  
30 moneys received or collected by the Department of Revenue as

1 agent for the State Farm Products Show Commission, shall be  
2 credited to the State Farm Products Show Fund.

3 17. State Insurance Fund.--All moneys appropriated from the  
4 General Fund, or any other fund, to the State Insurance Fund,  
5 shall be credited to the State Insurance Fund.

6 18. State School Fund.--All moneys received by the Treasury  
7 Department from all real estate owned by this Commonwealth which  
8 is not used for State or other public purposes, from all  
9 escheated estates in this Commonwealth, and from all other  
10 property or money which shall in any way accrue to such fund,  
11 whether by devise, gift, or otherwise, shall be credited to the  
12 State School Fund.

13 19. State [Workmen's] Workers' Insurance Fund.--All moneys  
14 received by the Treasury Department from the Department of  
15 Revenue arising from the collection of premiums on policies  
16 issued by the State [Workmen's] Workers' Insurance Board, and  
17 from the sale by the Department of [Property and Supplies]  
18 General Services of unserviceable property originally paid for  
19 out of the State [Workmen's] Workers' Insurance Fund, shall be  
20 credited to the State [Workmen's] Workers' Insurance Fund.

21 21. Surplus Commodities Stamp Fund.--All moneys received by  
22 the Treasury Department from the Department of Revenue arising  
23 from appropriations by the several counties, cities, boroughs,  
24 incorporated towns and townships for participation in the  
25 Federal Surplus Commodities Stamp plans, all receipts and  
26 proceeds resulting from the sale of Federal Surplus Commodities  
27 Stamps, and all moneys received from insurance covering losses  
28 of such stamps or the proceeds from the sale of such stamps  
29 shall be credited to the Surplus Commodities Stamp Fund.

30 22. Historical Preservation Fund.--All moneys received by

1 the Treasury Department from the Department of Revenue arising  
2 from the sale by the Department of [Property and Supplies]  
3 General Services of publications of the Pennsylvania Historical  
4 and Museum Commission, and all moneys received from admission  
5 fees to historical buildings, shall be credited to the  
6 Historical Preservation Fund.

7 23. Vocational Rehabilitation Fund.--All moneys received by  
8 the Treasury Department from the Department of Revenue, arising  
9 from moneys received from the Federal Government and from moneys  
10 contributed by the Commonwealth of Pennsylvania for vocational  
11 rehabilitation services and from all other moneys received as a  
12 result of vocational rehabilitation services or for the  
13 promotion of vocational rehabilitation services, shall be  
14 credited to the Vocational Rehabilitation Fund.

15 24. Rehabilitation Center Fund.--All moneys received by the  
16 Treasury Department from the Department of Revenue, arising from  
17 fees for services rendered by the Rehabilitation Center at  
18 Johnstown, or from other income received by the Center, shall be  
19 credited to the Rehabilitation Center Fund.

20 (b) All moneys in the State Treasury, and in the possession  
21 of the State Treasurer as custodian, upon the effective date of  
22 this act, shall be credited to the funds to which they would be  
23 credited if thereafter received, and the Treasury Department  
24 shall notify the Department of Revenue and the Department of the  
25 Auditor General of the balances in each fund as of such date.

26 (c) (1) All fees charged and collected by the Department of  
27 Environmental Protection, and all administrative fines and  
28 penalties assessed and collected by the Department of  
29 Environmental Protection for violations and acts subject to the  
30 enforcement authority of the Department of Environmental

1 Protection regarding activities of the regulated entity that  
2 require regulatory approval, shall, upon receipt, be immediately  
3 deposited into the General Fund.

4 (2) A fee, administrative fine or penalty collected under  
5 this section shall only be used for expenditures as authorized  
6 by an act of the General Assembly enacted after the effective  
7 date of this subsection.

8 (3) As used in this subsection,  
9 "Application" shall mean a submission to a the Department of  
10 Environmental Protection by an applicant for:

11 (1) A new permit.

12 (2) A permit renewal.

13 (3) A permit amendment.

14 (4) A permit modification.

15 (5) A permit transfer.

16 (6) A change of ownership of a permit.

17 "Fee" shall mean money payable to the Department of  
18 Environmental Protection for the purchase of a good or service,  
19 the issuance of a registration, certification, permit or  
20 license, the performance of an inspection or the filing of any  
21 legal paper, except for money paid for the purchase of surplus  
22 property.

23 "Permit" shall mean an authorization issued by the Department  
24 of Environmental Protection that approves the performance of an  
25 activity under the Department of Environmental Protection's  
26 jurisdiction. The term includes an authorization permit, a plan  
27 approval and a registration under a general permit.

28 "Regulated entity" shall mean an individual, person,  
29 organization or corporation that engages in an activity in this  
30 Commonwealth that requires regulatory approval by the Department

1 of Environmental Protection.

2 "Regulatory approval" shall mean the approval, clearance or  
3 other authorization of or recognition by the Department of  
4 Environmental Protection for:

5 (1) A permit.

6 (2) An application.

7 (3) A license.

8 (4) A certificate, excluding any certificate which is issued  
9 solely for personal use.

10 (5) The payment of taxes.

11 Section 2. All acts and parts of acts are repealed insofar  
12 as they are inconsistent with the addition of section 302(c) of  
13 the act.

14 Section 3. This act shall take effect July 1, 2021.