

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 28, 1985

AS REPORTED FROM COMMITTEE ON FEDERAL-STATE RELATIONS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 20, 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~~ RULES AND REGULATIONS, STATEMENTS <—
27 OF POLICY OR GUIDELINES for the cost-share program which
28 shall, as nearly as possible, correspond with cost-share
29 programs authorized by the act of May 15, 1945 (P.L.547,
30 No.217), known as the Conservation District Law, and similar

1 programs administered by the Federal Soil Conservation
2 Service and the Agricultural Stabilization and Conservation
3 Service of the United States Department of Agriculture. Such
4 assistance shall not exceed 80% of the cost of installing any
5 BMP. In establishing ~~regulations~~ SUCH RULES AND REGULATIONS, <—
6 STATEMENTS OF POLICY OR GUIDELINES for cost-share programs,
7 the commission shall consider the following:

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

9 (ii) The emphasis of the BMP on nutrient management
10 practices.

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

13 ~~(b) Guidelines and regulations.—~~ <—

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

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

~~(3) The General Assembly may provide for an extension of the guidelines adopted pursuant to paragraph (1), if the Leadership Committee created pursuant to sections 3 and 4 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, extends the guidelines adopted pursuant to paragraph (1).~~

SECTION 4. NONLAPSING PROVISION. <—

ALL FUNDS CREDITED TO THE ACCOUNT PURSUANT TO SECTION 2 OF THIS ACT SHALL NOT LAPSE UNTIL JUNE 30, 1987, WHEN ALL UNENCUMBERED, UNCOMMITTED OR UNEXPENDED FUNDS SHALL LAPSE INTO THE GENERAL FUND.

Section 4 5. Expiration. <—

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

Section 5 6. Effective date. <—

This act shall take effect immediately.