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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2216

Session of  
1991

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INTRODUCED BY COWELL, COLAFELLA, DAVIES, MUNDY, SCHULER,  
E. Z. TAYLOR, KOSINSKI, FOX, CALTAGIRONE, GIGLIOTTI, PESCI,  
PRESTON, VEON, COLAIZZO, MIHALICH, TRELLO, KRUSZEWSKI,  
CORRIGAN, RICHARDSON, LINTON AND THOMAS, NOVEMBER 20, 1991

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVE,  
NOVEMBER 17, 1992

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," PROVIDING FOR THE  
21 SUBMISSION TO THE GENERAL ASSEMBLY OF INFORMATION RELATING TO  
22 TAX EXPENDITURES; TRANSFERRING CERTAIN POWERS, DUTIES,  
23 PERSONNEL, APPROPRIATIONS, EQUIPMENT AND OTHER MATERIALS FROM  
24 THE SECRETARY OF REVENUE TO THE STATE TREASURER; IMPOSING  
25 FEES ON CERTAIN NUCLEAR FACILITIES; further providing for  
26 powers of the Secretary of General Services, ~~for water~~  
27 ~~supplies~~, for the powers and duties of the Environmental  
28 Quality Board, for certain contracts by the Secretary of  
29 Transportation, for machinery, equipment, lands and buildings  
30 relating to airports and for exemption for certain

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1 conveyances; PROVIDING FOR DEPARTMENT OF CORRECTIONS CAPITAL <—  
2 PROJECTS; providing for storage and handling of propane gas  
3 and for voluntary contributions to the United States Olympic  
4 Committee; and making repeals.

5 IT IS THE INTENT OF SECTION 624 OF THE ACT TO PROVIDE A <—  
6 MECHANISM WHICH WILL ENABLE THE GENERAL ASSEMBLY TO BETTER  
7 DETERMINE THOSE PROGRAMS, ACTIVITIES AND GROUPS WHICH ARE  
8 RECEIVING PUBLIC SUPPORT SUBSIDIES AS A RESULT OF TAX  
9 EXPENDITURES. THE GENERAL ASSEMBLY RECOGNIZES THAT THE PRESENT  
10 BUDGETING SYSTEM FAILS TO ACCURATELY AND TOTALLY REFLECT THE  
11 TRUE LEVEL OF BUDGETARY SUPPORT FOR SUCH PROGRAMS DUE TO SUCH  
12 TAX EXPENDITURES AND THAT, AS A RESULT, UNDETERMINED AMOUNTS OF  
13 INDIRECT EXPENDITURES ARE ESCAPING PUBLIC OR LEGISLATIVE  
14 SCRUTINY. THE LOSS OF POTENTIAL REVENUE ALSO CAUSES A NARROWING  
15 OF TAX BASES WHICH IN TURN FORCES HIGHER TAX RATES ON THE  
16 REMAINING TAXPAYERS.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 ~~Section 1. Section 1918 A of the act of April 9, 1929~~ <—  
20 ~~(P.L.177, No.175), known as The Administrative Code of 1929, is~~  
21 ~~amended by adding clauses to read:~~

22 ~~Section 1918 A. Water Supply. The Department of~~  
23 ~~Environmental Resources shall have the power and its duty shall~~  
24 ~~be:~~

25 \* \* \*

26 ~~(4) To require water use metering of water taken or diverted~~  
27 ~~from any rivers, streams, natural lakes and ponds or other~~  
28 ~~surface waters within or partly within and partly without the~~  
29 ~~Commonwealth, except natural springs or ponds whose source of~~  
30 ~~water is primarily from natural springs with a flow of ten~~  
31 ~~million or more gallons per day.~~

~~(5) To require the filtering of surface water sources of public water supplies where necessary and appropriate to insure compliance with the filtration treatment technique requirements of the Safe Drinking Water Act (Public Law 93-523, 21 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et seq.) pursuant to a schedule established by the department. If public water supplies meet the criteria to avoid filtration established in 40 CFR Part 141 (relating to National Primary Drinking Water Regulations), the department may not require filtration. For purposes of this clause, a surface water source shall not include a natural spring or pond whose source of water is primarily from a natural spring that is unaffected by surface water runoff.~~

~~(6) To authorize, if requested, public water systems serving thirty or fewer residences with nitrate concentrations which exceed maximum contaminant levels established pursuant to the Safe Drinking Water Act (Public Law 93-523, 21 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et seq.) to provide bottled water for consumption purposes as a temporary or permanent treatment technique in lieu of requiring nitrate removal or treatment systems. The public water system shall be responsible for enforcing the use of bottled water for consumption within the system.~~

SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING A SECTION TO READ:

SECTION 624. TAX EXPENDITURES.--(A) AS USED IN THIS SECTION "TAX EXPENDITURE" SHALL MEAN A REDUCTION IN REVENUE THAT WOULD OTHERWISE BE COLLECTED BY THE COMMONWEALTH AS THE RESULT OF AN EXEMPTION, REDUCTION, DEDUCTION, LIMITATION, EXCLUSION, TAX DEFERRAL, DISCOUNT, COMMISSION, CREDIT, PREFERENTIAL RATE OR

PREFERENTIAL TREATMENT UNDER ANY OF THE FOLLOWING:

(1) SALES TAX IMPOSED BY ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971."

(2) PERSONAL INCOME TAX IMPOSED BY ARTICLE III OF THE "TAX REFORM CODE OF 1971."

(3) CORPORATE NET INCOME TAX IMPOSED BY ARTICLE IV OF THE "TAX REFORM CODE OF 1971."

(4) CAPITAL STOCK/FRANCHISE TAX IMPOSED BY ARTICLE IV OF THE "TAX REFORM CODE OF 1971."

(5) BANK SHARES TAX IMPOSED BY ARTICLE VII OF THE "TAX REFORM CODE OF 1971."

(6) TITLE INSURANCE AND TRUST COMPANIES SHARE TAX IMPOSED BY ARTICLE VIII OF THE "TAX REFORM CODE OF 1971."

(7) INSURANCE PREMIUMS TAX IMPOSED BY ARTICLE IX OF THE "TAX REFORM CODE OF 1971."

(8) UTILITY GROSS RECEIPTS TAX IMPOSED BY ARTICLE XI OF THE "TAX REFORM CODE OF 1971."

(9) LIQUID FUELS AND FUEL USE TAXES.

(10) REALTY TRANSFER TAX IMPOSED BY ARTICLE XI-C OF THE "TAX REFORM CODE OF 1971."

(11) CIGARETTE TAX IMPOSED BY ARTICLE XII OF THE "TAX REFORM CODE OF 1971."

(12) MUTUAL THRIFT INSTITUTIONS TAX IMPOSED BY ARTICLE XV OF THE "TAX REFORM CODE OF 1971."

(13) OIL COMPANY FRANCHISE TAX IMPOSED BY 75 PA.C.S. CH. 95 (RELATING TO TAXES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION).

(14) MOTOR CARRIERS ROAD TAX IMPOSED BY 75 PA.C.S. CH. 96 (RELATING TO MOTOR CARRIERS ROAD TAX).

(15) INHERITANCE TAX IMPOSED BY ARTICLE XXI OF THE "TAX REFORM CODE OF 1971."

1       (16) UNEMPLOYMENT COMPENSATION CONTRIBUTIONS IMPOSED BY THE  
2 ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1),  
3 KNOWN AS THE "UNEMPLOYMENT COMPENSATION LAW."

4       (17) UTILITY REALTY TAX IMPOSED BY ARTICLE XI-A OF THE "TAX  
5 REFORM CODE OF 1971."

6       (18) GROSS RECEIPTS TAX ON MOTOR CARRIERS IMPOSED BY THE ACT  
7 OF JUNE 22, 1931 (P.L.694, NO.255), REFERRED TO AS THE MOTOR  
8 CARRIERS GROSS RECEIPTS TAX ACT.

9       (19) MARINE INSURANCE UNDERWRITING PROFITS TAX IMPOSED BY  
10 THE ACT OF MAY 13, 1927 (P.L.998, NO.486), ENTITLED "AN ACT  
11 IMPOSING A TAX FOR STATE PURPOSES ON MARINE INSURANCE  
12 UNDERWRITING PROFITS, AND PROVIDING FOR THE COLLECTION OF SUCH  
13 TAX."

14       (20) CO-OPERATIVE AGRICULTURAL ASSOCIATION CORPORATE NET  
15 INCOME TAX IMPOSED PURSUANT TO THE ACT OF MAY 23, 1945 (P.L.893,  
16 NO.360), KNOWN AS THE "CO-OPERATIVE AGRICULTURAL ASSOCIATION  
17 CORPORATE NET INCOME TAX ACT."

18       (21) ELECTRIC CO-OPERATIVE CORPORATION TAX IMPOSED BY THE  
19 ACT OF JUNE 21, 1937 (P.L.1969, NO.389), KNOWN AS THE "ELECTRIC  
20 COOPERATIVE CORPORATION ACT."

21       (22) MALT BEVERAGE TAX IMPOSED BY ARTICLE XX OF THE "TAX  
22 REFORM CODE OF 1971."

23       (23) SPIRITUOUS AND VINOUS LIQUORS TAX IMPOSED BY THE ACT OF  
24 DECEMBER 5, 1933 (SP.SESS., P.L.38, NO.6), KNOWN AS THE  
25 "SPIRITUOUS AND VINOUS LIQUOR TAX LAW."

26       (24) VEHICLE REGISTRATION FEES IMPOSED PURSUANT TO 75  
27 PA.C.S. (RELATING TO VEHICLES).

28       (25) MOTORBUS ROAD TAX IMPOSED BY 75 PA.C.S. CH. 98  
29 (RELATING TO MOTORBUS ROAD TAX).

30       (26) GENERAL EXEMPTIONS:

1     (I) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 15 OF THE ACT  
2 OF MARCH 31, 1949 (P.L.372, NO.34), KNOWN AS "THE GENERAL STATE  
3 AUTHORITY ACT OF ONE THOUSAND NINE HUNDRED FORTY-NINE."

4     (II) THE EXEMPTION GRANTED PURSUANT TO 40 PA.C.S. § 6307(B)  
5 (RELATING TO EXEMPTIONS APPLICABLE TO CERTIFICATED PROFESSIONAL  
6 HEALTH CARE SERVICE CORPORATIONS).

7     (III) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 23 OF THE  
8 ACT OF MAY 28, 1937 (P.L.955, NO.265), KNOWN AS THE "HOUSING  
9 AUTHORITIES LAW."

10    (IV) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 15 OF THE  
11 ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE "MUNICIPALITY  
12 AUTHORITIES ACT OF 1945."

13    (V) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 15 OF THE ACT  
14 OF JUNE 5, 1947 (P.L.458, NO.208), KNOWN AS THE "PARKING  
15 AUTHORITY LAW."

16    (VI) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 17 OF THE  
17 ACT OF APRIL 18, 1949 (P.L.604, NO.128), KNOWN AS THE "STATE  
18 HIGHWAY AND BRIDGE AUTHORITY ACT."

19    (VII) THE EXEMPTIONS GRANTED PURSUANT TO SECTION 14 OF THE  
20 ACT OF JULY 5, 1947 (P.L.1217, NO.498), KNOWN AS THE "STATE  
21 PUBLIC SCHOOL BUILDING AUTHORITY ACT."

22    (27) STATUTORY EXEMPTIONS, REDUCTIONS, DEDUCTIONS,  
23 LIMITATIONS, EXCLUSIONS, TAX DEFERRALS, DISCOUNTS, COMMISSIONS,  
24 CREDITS, PREFERENTIAL RATES OR PREFERENTIAL TREATMENTS  
25 ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS SECTION.

26    (B) THE TERM SHALL NOT INCLUDE ANY STATUTORY EXEMPTION,  
27 REDUCTION, DEDUCTION, LIMITATION, EXCLUSION, TAX DEFERRAL,  
28 DISCOUNT, COMMISSION, CREDIT, PREFERENTIAL RATE OR PREFERENTIAL  
29 TREATMENT FOR LOCAL TAX PURPOSES.

30    (C) AT THE TIME REQUIRED FOR THE SUBMISSION OF THE BUDGET TO

1 THE GENERAL ASSEMBLY UNDER SECTION 613, THE GOVERNOR SHALL ALSO  
2 SUBMIT TO THE GENERAL ASSEMBLY A TAX EXPENDITURE PLAN FOR NOT  
3 LESS THAN THE PRIOR FISCAL YEAR, THE CURRENT FISCAL YEAR, THIS  
4 BUDGET YEAR AND THE FOUR (4) SUCCEEDING FISCAL YEARS, WHICH PLAN  
5 SHALL INCLUDE THE FOLLOWING INFORMATION:

6 (1) THE ACTUAL OR ESTIMATED REVENUE LOSS TO THE COMMONWEALTH  
7 CAUSED BY EACH TAX EXPENDITURE IN EACH FISCAL YEAR COVERED BY  
8 THE PLAN.

9 (2) THE ACTUAL OR ESTIMATED COST OF ADMINISTERING AND  
10 IMPLEMENTING EACH TAX EXPENDITURE FOR EACH FISCAL YEAR COVERED  
11 BY THE PLAN.

12 (3) THE ACTUAL OR ESTIMATED NUMBER AND DESCRIPTION, IN  
13 REASONABLE DETAIL, OF TAXPAYERS BENEFITING FROM EACH TAX  
14 EXPENDITURE IN EACH FISCAL YEAR COVERED BY THE PLAN.

15 (4) THE PURPOSE OF EACH TAX EXPENDITURE IN TERMS OF DESIRED  
16 ACCOMPLISHMENTS.

17 (D) THE GOVERNOR MAY ALSO SUBMIT TO THE GENERAL ASSEMBLY AN  
18 ASSESSMENT OF EACH TAX EXPENDITURE BASED ON WHETHER OR NOT EACH  
19 TAX EXPENDITURE HAS BEEN SUCCESSFUL IN MEETING THE PURPOSE FOR  
20 WHICH IT WAS ENACTED, AND ON WHETHER EACH TAX EXPENDITURE IS THE  
21 MOST FISCALLY EFFECTIVE MEANS OF ACHIEVING ITS PURPOSE.

22 (E) CONTENTS OF THE TAX EXPENDITURE PLAN SHALL BE AS  
23 FOLLOWS:

24 (1) FOR THE FIRST FISCAL YEAR IN WHICH A TAX EXPENDITURE  
25 PLAN IS REQUIRED, THE PLAN NEED ONLY PROVIDE THE REQUIRED  
26 INFORMATION FOR TAX EXPENDITURES ITEMIZED IN SUBSECTION (A)(1),  
27 (5), (6), (7), (12), (16) AND (19).

28 (2) FOR THE SECOND YEAR IN WHICH A TAX EXPENDITURE PLAN IS  
29 REQUIRED, THE PLAN NEED ONLY PROVIDE THE REQUIRED INFORMATION  
30 FOR THE TAX EXPENDITURES ITEMIZED IN SUBSECTION (A)(1), (3),

(4), (5), (6), (7), (8), (12), (16), (17), (19), (20) AND (21).

(3) FOR THE THIRD YEAR IN WHICH A TAX EXPENDITURE PLAN IS  
REQUIRED, THE PLAN NEED ONLY PROVIDE THE REQUIRED INFORMATION

FOR THE TAX EXPENDITURES ITEMIZED IN SUBSECTION (A)(1), (2),

(3), (4), (5), (6), (7), (8), (9), (12), (13), (14), (16), (17),

(18), (19), (20), (21) AND (24).

(4) FOR THE FOURTH YEAR IN WHICH A TAX EXPENDITURE PLAN IS  
REQUIRED, THE PLAN SHALL PROVIDE THE REQUIRED INFORMATION FOR

ALL TAX EXPENDITURES ITEMIZED IN SUBSECTION (A).

(F) ALL DATA IN THE TAX EXPENDITURE PLAN OUTLINED IN  
SUBSECTION (C) SHALL BE REVISED AND UPDATED EVERY TWO YEARS.

(G) THE SECRETARY OF THE BUDGET MAY OBTAIN THE INFORMATION

REQUIRED FOR COMPLIANCE WITH THIS SECTION FROM ALL STATE

AGENCIES IN LIKE MANNER AS PROVIDED FOR BUDGET INFORMATION UNDER

THIS ARTICLE.

(H) THE SECRETARY OF THE BUDGET IS HEREBY AUTHORIZED TO  
OBTAIN SUCH DATA AS MAY BE NEEDED FOR COMPLIANCE WITH THIS

SECTION FROM THE APPROPRIATE LOCAL GOVERNMENT OFFICIALS.

(I) THE GENERAL ASSEMBLY RECOGNIZES THAT THE EXEMPTION FROM  
TAXATION ACCORDED RELIGIOUS INSTITUTIONS IS FOUNDED ON

PRINCIPLES OF CHURCH-STATE SEPARATION, AND NOTHING IN THIS

SECTION IS INTENDED TO EXPRESS OR IMPLY THAT TAX EXEMPTION

CONSTITUTES SUBSIDIZATION OF THE RELIGIOUS ACTIVITIES OF SUCH

INSTITUTIONS; NOR SHALL THIS SECTION BE CONSTRUED TO AUTHORIZE

THE IMPOSITION OF ANY ADDITIONAL REQUIREMENTS ON SUCH

INSTITUTIONS RELATING TO TAX EXEMPTION.

(J) THE INITIAL TWO (2) TAX EXPENDITURE PLANS REQUIRED UNDER

THIS SECTION SHALL BE DEEMED IN COMPLIANCE WITH THIS SECTION IF

THE TAX EXPENDITURE PLAN CONSISTS, AT A MINIMUM, OF THE TAX

EXPENDITURES REPORTED BY THE GOVERNOR TO THE GENERAL ASSEMBLY



1 FOR FISCAL YEAR 1992-1993.

2 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

3 SECTION 1105. TRANSFER OF POWERS AND DUTIES RELATING TO  
4 ABANDONED AND UNCLAIMED PROPERTY FROM THE SECRETARY OF  
5 REVENUE.--THE POWERS AND DUTIES OF THE SECRETARY OF REVENUE  
6 UNDER ARTICLE XXX.1 OF THE ACT OF APRIL 9, 1929 (P.L.343,  
7 NO.176), KNOWN AS "THE FISCAL CODE," ARE HEREBY TRANSFERRED TO  
8 THE STATE TREASURER.

9 SECTION 1106. TRANSFER OF PERSONNEL, APPROPRIATIONS,  
10 RECORDS, EQUIPMENT AND OTHER MATERIALS INVOLVED WITH ABANDONED  
11 AND UNCLAIMED PROPERTY.--(A) ALL PERSONNEL, WHICH THE STATE  
12 TREASURER DEEMS NECESSARY, ALLOCATIONS, EQUIPMENT, OTHER THAN  
13 THE MAINFRAME COMPUTER AND COMPUTER TERMINALS WHICH SHALL BE  
14 SUBJECT TO NEGOTIATIONS BETWEEN THE STATE TREASURER AND THE  
15 SECRETARY OF REVENUE REGARDING TRANSFER, FILES, RECORDS,  
16 CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER MATERIALS WHICH ARE  
17 USED, EMPLOYED OR EXPENDED IN CONNECTION WITH THE POWERS, DUTIES  
18 OR FUNCTIONS OF THE SECRETARY OF REVENUE UNDER ARTICLE XIII.1 OF  
19 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS "THE FISCAL  
20 CODE," AND WHICH ARE TRANSFERRED BY SECTION 1105 TO THE STATE  
21 TREASURER ARE HEREBY TRANSFERRED FROM THE SECRETARY OF REVENUE  
22 WITH THE SAME FORCE AND EFFECT AS IF THE APPROPRIATIONS HAD BEEN  
23 MADE TO THE STATE TREASURER, THE MATERIALS HAD BEEN THE PROPERTY  
24 OF THE STATE TREASURER IN THE FIRST INSTANCE AND AS IF THE  
25 CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR  
26 ENTERED INTO BY THE STATE TREASURER.

27 (B) THE PERSONNEL, APPROPRIATIONS, EQUIPMENT AND OTHER ITEMS  
28 AND MATERIALS TRANSFERRED BY THIS SECTION SHALL INCLUDE AN  
29 APPROPRIATE PORTION OF THE GENERAL ADMINISTRATIVE, OVERHEAD AND  
30 SUPPORTING PERSONNEL, APPROPRIATIONS, EQUIPMENT AND OTHER

1 MATERIALS OF THE SECRETARY OF REVENUE AND SHALL ALSO INCLUDE,  
2 WHERE APPLICABLE, FEDERAL GRANTS AND FUNDS AND OTHER BENEFITS  
3 FROM ANY FEDERAL PROGRAM.

4 (C) ALL PERSONNEL TRANSFERRED PURSUANT TO THIS SECTION SHALL  
5 RETAIN ANY CIVIL SERVICE EMPLOYMENT STATUS ASSIGNED TO THEM.

6 SECTION 1904-A.2. NUCLEAR FACILITY FEES.--(A) EACH PERSON  
7 WHO HAS RECEIVED FROM THE NUCLEAR REGULATORY COMMISSION A  
8 NUCLEAR POWER REACTOR FACILITY CONSTRUCTION PERMIT OR OPERATING  
9 LICENSE FOR NUCLEAR FACILITIES LOCATED IN THIS COMMONWEALTH  
10 SHALL PAY TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES WITHIN  
11 ONE HUNDRED TWENTY (120) DAYS OF THE EFFECTIVE DATE OF THIS  
12 SECTION, FOR THE FISCAL YEAR 1992-1993, A FEE OF ONE HUNDRED  
13 THOUSAND DOLLARS (\$100,000) AND BY JULY 1, 1993, FOR THE 1993-  
14 1994 FISCAL YEAR AND BY JULY 1 OF EACH SUCCEEDING FISCAL YEAR  
15 THEREAFTER, A FEE OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000)  
16 FOR EACH NUCLEAR POWER PLANT SITE, REGARDLESS OF THE NUMBER OF  
17 NUCLEAR POWER REACTORS, TO CONTINUE EXISTING PROGRAMS OR  
18 ESTABLISH NEW PROGRAMS RELATING TO THE LICENSING, CONSTRUCTION,  
19 SURVEILLANCE, MONITORING, EMERGENCY PLANNING AND RESPONSE,  
20 OPERATION OR DECOMMISSIONING OF NUCLEAR POWER REACTOR FACILITIES  
21 AND THE GENERAL ADMINISTRATIVE COSTS FOR THESE ACTIVITIES, AS  
22 PROVIDED FOR IN THE ACT OF JULY 10, 1984 (P.L.688, NO.147),  
23 KNOWN AS THE "RADIATION PROTECTION ACT."

24 (B) A PERSON LICENSED BY THE NUCLEAR REGULATORY COMMISSION  
25 TO POSSESS BUT NOT OPERATE THE FOLLOWING NUCLEAR POWER REACTORS  
26 SHALL BE EXEMPT FROM THE NUCLEAR FACILITY FEE REQUIREMENTS OF  
27 SUBSECTION (A): SAXTON NUCLEAR EXPERIMENTAL POWER STATION, PEACH  
28 BOTTOM ATOMIC POWER STATION, UNIT 1 AND THREE MILE ISLAND  
29 NUCLEAR GENERATING STATION, UNIT 2.

30 (C) ANY PERSON IN VIOLATION OF THE NUCLEAR FACILITY FEE

1 REQUIREMENTS OF THIS SECTION SHALL BE SUBJECT TO THE PENALTIES  
2 AND ENFORCEMENT PROVISIONS OF SECTIONS 308 AND 309 OF THE  
3 "RADIATION PROTECTION ACT."

4 (D) FEES AND PENALTIES RECEIVED UNDER THIS SECTION SHALL BE  
5 DEPOSITED IN THE RADIATION PROTECTION FUND ESTABLISHED UNDER  
6 SECTION 403(A) OF THE "RADIATION PROTECTION ACT" AND ARE HEREBY  
7 APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES ON A  
8 CONTINUING NONLAPSING BASIS SOLELY FOR THE PURPOSE OF CARRYING  
9 OUT ITS POWERS AND DUTIES UNDER THE "RADIATION PROTECTION ACT"  
10 RELATING TO LICENSING, CONSTRUCTION, SURVEILLANCE, MONITORING,  
11 EMERGENCY PLANNING AND RESPONSE, OPERATION OR DECOMMISSIONING OF  
12 NUCLEAR POWER REACTOR FACILITIES AND THE GENERAL ADMINISTRATIVE  
13 COSTS FOR THESE ACTIVITIES.

14 (E) IN ADDITION TO THE PARTICULAR RECORDS AND ACCOUNTS  
15 SPECIFIED IN THE "RADIATION PROTECTION ACT," THE DEPARTMENT OF  
16 ENVIRONMENTAL RESOURCES SHALL, AT ALL TIMES, MAINTAIN ADDITIONAL  
17 RECORDS AND ACCOUNTS IN SUCH FORM AND MANNER AS WILL ALLOW  
18 DETAILED REVIEW, EXAMINATION AND AUDIT, BY APPROPRIATE,  
19 QUALIFIED DEPARTMENT OF ENVIRONMENTAL RESOURCES PERSONNEL OR BY  
20 THE AUDITOR GENERAL, OF ALL MONETARY TRANSACTIONS INVOLVING THE  
21 RADIATION PROTECTION FUND CREATED UNDER SECTION 403(A) OF THE  
22 "RADIATION PROTECTION ACT."

23 (F) WITHIN ONE HUNDRED TWENTY (120) DAYS FOLLOWING JUNE 30  
24 OF THE FISCAL YEAR 1992-1993 AND EACH FISCAL YEAR THEREAFTER,  
25 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL MAKE AVAILABLE  
26 TO EACH PERSON WHO HAS PAID FEES AND PENALTIES INTO THE  
27 RADIATION PROTECTION FUND, DURING SUCH FISCAL YEAR, A REPORT OF  
28 THE RESULTS OF A FINANCIAL AUDIT OF ALL MONETARY TRANSACTIONS  
29 WITHIN THE RADIATION PROTECTION FUND DURING THE PRECEDING FISCAL  
30 YEAR. THE AUDITING SHALL BE PERFORMED IN ACCORDANCE WITH

1 FEDERALLY ACCEPTED AUDITING STANDARDS COMPATIBLE WITH THE MOST  
2 INTENSIVE PRACTICES OF THE DEPARTMENT OF THE AUDITOR GENERAL.  
3 THESE AUDITS MAY BE PERFORMED BY THE DEPARTMENT OF THE AUDITOR  
4 GENERAL IN LIEU OF BEING PERFORMED BY THE DEPARTMENT OF  
5 ENVIRONMENTAL RESOURCES. THE REPORT SHALL BE IN SUFFICIENT FORM  
6 AND DETAIL AS TO DEMONSTRATE AND VERIFY THAT FEES AND PENALTIES  
7 DEPOSITED INTO THE RADIATION PROTECTION FUND HAVE BEEN EXPENDED  
8 IN ACCORDANCE WITH THE LIMITATIONS CONTAINED IN THIS SECTION.

9 (G) FOR THE PURPOSES OF THIS SECTION ONLY, A NUCLEAR POWER  
10 PLANT SITE SHALL BE DEEMED TO BE THE LOCATION OF ONE OR MORE  
11 NUCLEAR POWER REACTORS PER SITE WHICH HAVE NOT BEEN OFFICIALLY  
12 DECOMMISSIONED AND DISMANTLED PURSUANT TO APPLICABLE FEDERAL  
13 LAW.

14 Section ~~2~~ 3. Section 1920-A of the act is amended by adding <—  
15 a subsection to read:

16 Section 1920-A. Environmental Quality Board.--\* \* \*

17 (j) The board shall have the power and its duty shall be to  
18 review any petition submitted to it to designate an area as  
19 unsuitable for surface mining as provided for in subsections (h)  
20 through (n) of section 315 of the act of June 22, 1937  
21 (P.L.1987, No.394), known as "The Clean Streams Law," as amended  
22 by the act of October 10, 1980 (P.L.894, No.157), and make  
23 designations pursuant thereto: Provided, however, That the board  
24 OR THE DEPARTMENT OF ENVIRONMENTAL RESOURCES shall not make such <—  
25 designations for surface mining operations regulated by the act  
26 of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal  
27 Surface Mining Conservation and Reclamation Act."

28 Section ~~3~~ 4. Section 2001.1 of the act, added May 6, 1970 <—  
29 (P.L.356, No.120), is amended to read:

30 Section 2001.1. Certain Contracts by the Secretary.--The

1 secretary shall enter into all necessary contracts and  
2 agreements with the proper agencies of any government, Federal,  
3 State and/or political subdivision and/or any private agency and  
4 shall do all other things necessary and proper in order to  
5 obtain any benefits afforded under the provisions of any act of  
6 the United States Congress, the General Assembly of the  
7 Commonwealth of Pennsylvania and/or any governing body of any  
8 political subdivision of the Commonwealth of Pennsylvania, and  
9 also the governing body of any private agency for any purpose  
10 connected in any way with the Department of Transportation of  
11 the Commonwealth of Pennsylvania. The secretary is authorized to  
12 hold the Federal Government harmless from damages due to  
13 construction, operation and maintenance of emergency streambank  
14 protection projects under section 103(j) of the Water Resources  
15 Development Act of 1986 (Public Law 99-662, 33 U.S.C. §  
16 2213(j)), except for damages due to the fault or negligence of  
17 the Federal Government or its contractors.

18 Section 4 5. Section 2003(e)(1) of the act, amended December <—  
19 7, 1979 (P.L.478, No.100), is amended to read:

20 Section 2003. Machinery, Equipment, Lands and Buildings.--  
21 The Department of Transportation in accord with appropriations  
22 made by the General Assembly, and grants of funds from Federal,  
23 State, regional, local or private agencies, shall have the  
24 power, and its duty shall be:

25 \* \* \*

26 (e) (1) To acquire, by gift, purchase, condemnation or  
27 otherwise, land in fee simple or such lesser estate or interest  
28 as it shall determine, in the name of the Commonwealth, for all  
29 transportation purposes, including marking, rebuilding,  
30 relocating, widening, reconstructing, repairing and maintaining

1 State designated highways and other transportation facilities,  
2 and to erect on the land thus acquired such structures and  
3 facilities, including garages, storage sheds or other buildings,  
4 as shall be required for transportation purposes. [Land] Except  
5 for acquisitions for airport and airport-related purposes, land  
6 shall not be acquired for any capital project unless the project  
7 is itemized in an approved capital budget. Notwithstanding any  
8 other provision of this or any other act, when the department  
9 seeks to take by appropriation real property or an interest in  
10 real property which the department intends to use for other than  
11 operating right-of-way for facilities such as maintenance  
12 buildings and construction facilities and such real property or  
13 interest therein belongs to a railroad, the department shall  
14 show by clear and convincing evidence that the activity  
15 contemplated on the site proposed to be appropriated could not  
16 have been conducted economically at an alternate location.  
17 Notwithstanding anything to the contrary contained in this or  
18 any other act, the term "transportation purposes" as used herein  
19 shall include acquisitions for all airport and airport-related  
20 purposes and the procedures of this act shall apply to all such  
21 acquisitions.

22 \* \* \*

23 Section 5 6. The act is amended by adding a section to read: <—

24 Section 2217. Above-Ground Refrigerated Low-Pressure Storage  
25 and Handling of Propane.--The Department of Labor and Industry  
26 shall make, promulgate and enforce regulations setting forth  
27 minimum general standards for the design, installation and  
28 construction of above-ground refrigerated low-pressure storage  
29 facilities for propane. Said regulations issued under the  
30 authority of this act and the act of December 27, 1951

1 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas  
2 Act, shall be such as are reasonably necessary for the  
3 protection of the health, welfare and safety of the public and  
4 persons using such materials, and shall be in substantial  
5 conformity with the generally accepted standards of safety  
6 concerning the same subject matter.

7 Section ~~6~~ 7. Section 2401.1 of the act is amended by adding <—  
8 a paragraph to read:

9 Section 2401.1. Specific Powers of the Department of General  
10 Services.--In addition to all other powers and duties set forth  
11 in this act, the Department of General Services shall have the  
12 power, and its duty shall be:

13 \* \* \*

14 (21) To delegate at the discretion of the Secretary of  
15 General Services to a State-related institution in the  
16 Commonwealth system of higher education the performance on  
17 behalf of the Commonwealth of some or all of the powers and  
18 duties to plan, design, construct, administer and manage any  
19 public improvement project which has been statutorily authorized  
20 by the Commonwealth for such institution and the furnishing and  
21 equipping thereof, subject to such reasonable, necessary and  
22 appropriate conditions as may be mutually agreed upon between  
23 the department and such institution.

24 SECTION 8. SECTION 2401.1A OF THE ACT, ADDED JULY 1, 1990 <—  
25 (P.L.277, NO.67), IS AMENDED TO READ:

26 SECTION 2401.1A. RESTRICTIONS ON POWERS OF THE DEPARTMENT OF  
27 GENERAL SERVICES.--(A) THE PROVISIONS OF SECTION 2401.1(19)  
28 SHALL NOT APPLY TO ADDITIONAL CAPITAL PROJECTS IN THE CATEGORY  
29 OF PUBLIC IMPROVEMENT PROJECTS TO BE ACQUIRED OR CONSTRUCTED BY  
30 THE DEPARTMENT OF GENERAL SERVICES FOR THE PROGRAM DEVELOPMENT

1 AND DESIGN OF PROTOTYPICAL ONE THOUSAND-CELL FACILITIES TO BE  
2 USED IN CONSTRUCTION OF A FACILITY IN CLEARFIELD COUNTY AND  
3 OTHER STATE PRISON PROJECTS ITEMIZED IN THE ACT OF JULY 1, 1990  
4 (P.L.315, NO.71), KNOWN AS THE "PRISON FACILITIES IMPROVEMENT  
5 ACT."

6 (B) CAPITAL PROJECTS IN THE CATEGORY OF PUBLIC IMPROVEMENT  
7 PROJECTS SPECIFICALLY ITEMIZED FOR THE DEPARTMENT OF CORRECTIONS  
8 IN SECTION 3(1) OF THE ACT OF DECEMBER 20, 1990 (P.L.1472,  
9 NO.223), KNOWN AS THE "CAPITAL BUDGET PROJECT ITEMIZATION ACT  
10 FOR 1990-1991," ARE HEREBY AUTHORIZED TO BE ACQUIRED,  
11 CONSTRUCTED OR USED BY THE DEPARTMENT OF GENERAL SERVICES, ITS  
12 SUCCESSOR OR ASSIGNS, NOTWITHSTANDING ANY PROVISION OF LAW  
13 PROVIDING FOR OR REGULATING ZONING OR LAND USE PLANNING, OR ANY  
14 ZONING ORDINANCE, LAND USE ORDINANCE, BUILDING CODE OR OTHER  
15 REGULATION ADOPTED OR ENACTED BY A POLITICAL SUBDIVISION UNDER  
16 THE AUTHORITY OF ANY STATUTE, OR UNDER THE AUTHORITY OF ANY  
17 HOME RULE CHARTER AUTHORIZED AND ADOPTED UNDER ANY STATUTE OR  
18 THE CONSTITUTION OF PENNSYLVANIA.

19 Section 7 9. Section 2409-A of the act, added February 25, <—  
20 1982 (P.L.92, No.34), is amended to read:

21 Section 2409-A. Exemption for Certain Conveyances.--(a)  
22 This article shall not apply to a conveyance by The General  
23 State Authority where a resolution authorizing such conveyance  
24 was adopted by the board of directors of the authority on or  
25 before July 1, 1981.

26 (b) Notwithstanding the provisions of this act, including  
27 without limitation this article, or any other act to the  
28 contrary, the Department of General Services is authorized to  
29 convey, with the approval of the Governor, any project within  
30 the meaning of the act of March 31, 1949 (P.L.372, No.34), known



1 as "The General State Authority Act of one thousand nine hundred  
2 forty-nine," which was conveyed and transferred by resolution of  
3 The General State Authority and under the authority of the act  
4 of July 22, 1975 (P.L.75, No.45), entitled "An act amending the  
5 act of April 9, 1929 (P.L.177, No.175), entitled 'An act  
6 providing for and reorganizing the conduct of the executive and  
7 administrative work of the Commonwealth by the Executive  
8 Department thereof and the administrative departments, boards,  
9 commissions, and officers thereof, including the boards of  
10 trustees of State Normal Schools, or Teachers Colleges;  
11 abolishing, creating, reorganizing or authorizing the  
12 reorganization of certain administrative departments, boards,  
13 and commissions; defining the powers and duties of the Governor  
14 and other executive and administrative officers, and of the  
15 several administrative departments, boards, commissions, and  
16 officers; fixing the salaries of the Governor, Lieutenant  
17 Governor, and certain other executive and administrative  
18 officers; providing for the appointment of certain  
19 administrative officers, and of all deputies and other  
20 assistants and employes in certain departments, boards, and  
21 commissions; and prescribing the manner in which the number and  
22 compensation of the deputies and all other assistants and  
23 employes of certain departments, boards and commissions shall be  
24 determined,' creating the Department of General Services and  
25 defining its functions, powers and duties; and transferring  
26 certain functions, records, equipment, personnel and  
27 appropriations from the Department of Property and Supplies and  
28 The General State Authority to such department," to the  
29 Department of General Services, provided that:

30 (1) The grantee is an institution of higher education

1 located in this Commonwealth.

2 (2) The project was constructed by The General State  
3 Authority on behalf of the grantee.

4 (3) The consideration for each conveyance shall be based  
5 upon either the outstanding principle and interest indebtedness  
6 of the project or the total cost of the project adjusted to its  
7 present value as determined by the Department of General  
8 Services in consultation with the Secretary of the Budget.

9 (4) All costs of the transaction are borne by the grantee.

10 (5) No part of the consideration or transaction costs are  
11 paid with General Fund moneys or Capital Facilities Fund moneys.

12 (6) No conveyance shall be made under the authority of this  
13 subsection to an institution of the State System of Higher  
14 Education.

15 (c) Notwithstanding the provisions of this act, including  
16 without limitation this article, or any other act to the  
17 contrary, the Department of General Services is authorized to  
18 convey, with the approval of the Governor, to The Pennsylvania  
19 State University, the University of Pittsburgh, Temple  
20 University or Lincoln University any project which The General  
21 State Authority or the Department of General Services  
22 constructed on behalf of the grantee, provided that:

23 (1) All outstanding principal and interest indebtedness of  
24 the project has been retired.

25 (2) All costs of the transaction are borne by the  
26 university.

27 (3) The university shall pay one dollar (\$1.00) for each  
28 project transferred.

29 (4) No part of the transaction costs is paid with General  
30 Fund moneys or Capital Facilities Fund moneys.

1      Section ~~8~~ 10.    Section 2504 of the act is repealed.                                 <—

2      Section 9 11. The act is amended by adding a section to      <—

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3 read:
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4     Section 2506. Space on Form for Contributions.--(a) The  
5     Department of Revenue shall provide a space on the face of the  
6     individual income tax return form whereby an individual may  
7     voluntarily designate a contribution of any amount desired to  
8     the United States Olympic Committee, Pennsylvania Division.

9        (b) The amount so designated by an individual on the income  
10 tax return form shall be deducted from the tax refund to which  
11 such individual is entitled and shall not constitute a charge  
12 against the income tax revenues due the Commonwealth.

13       (c) The Department of Revenue shall determine annually the  
14 total amount designated pursuant to this section, less  
15 reasonable administrative costs, and shall report such amount to  
16 the State Treasurer, who shall transfer such amount from the  
17 General Fund to the United States Olympic Committee,  
18 Pennsylvania Division.

19      (d) This section shall expire December 31, ~~1993~~ 1995.      <—

20       Section ~~10~~ 12. The provisions of section 2506 shall apply to <—  
21 taxable years beginning January 1, ~~1992~~, and January 1, 1993, <—  
22 THROUGH AND INCLUDING JANUARY 1, 1995.

23       Section ~~11~~ 13. All moneys from the conveyances authorized by <—  
24   this act shall be deposited into the Capital Debt Fund.

25       Section ~~12~~ 14. The conveyances authorized by this act shall       <—  
26 be exempt from all taxes, imposts, fees and costs relating to  
27 such conveyances which are levied, imposed or chargeable by any  
28 taxing authority as long as the documents necessary to effect  
29 such conveyances are recorded prior to January 1, 1993.

~~Section 13. Any existing requirement, order, consent order~~ <—

~~or regulation enforced by the Department of Environmental Resources which is inconsistent with the requirements of section 1918 A(4) or (5) or which did not give public water suppliers the options presented by section 1918 A(4) or (5) shall be superseded by this act.~~

~~Section 14. Section 315 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed as obsolete.~~

SECTION 15. SECTION 624 OF THE ACT SHALL APPLY TO THE BUDGET <— SUBMITTED FOR THE FISCAL YEAR NEXT COMMENCING AFTER ONE YEAR FROM THE EFFECTIVE DATE OF THIS ACT AND TO EACH FISCAL YEAR THEREAFTER.

SECTION 16. THE TRANSFER OF PERSONNEL, APPROPRIATIONS, RECORDS, EQUIPMENT AND OTHER MATERIALS UNDER SECTION 1106 SHALL BE COMPLETED NO LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT.

SECTION 17. (A) SECTION 402(B) OF THE ACT OF JULY 10, 1984 (P.L.688, NO.147), KNOWN AS THE RADIATION PROTECTION ACT, IS REPEALED.

(B) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED TO THE EXTENT SPECIFIED:

ARTICLE XXX.1 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED INsofar AS IT IS INCONSISTENT WITH THIS ACT.

SECTION 315 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS REPEALED AS OBSOLETE.

THE PROVISIONS OF THE ACT OF JULY 10, 1984 (P.L.688, NO.147), KNOWN AS THE RADIATION PROTECTION ACT, (EXCEPT SECTION 402(B) WHICH IS REPEALED ABSOLUTELY) ARE REPEALED

1       INSOFAR AS THEY ARE INCONSISTENT WITH THIS SECTION.

2       Section ~~15~~ 18.   This act shall take effect immediately.

<—