

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1200 Session of 1999

INTRODUCED BY HERSHEY, FREEMAN, S. H. SMITH, RUBLEY, HARHART, CLARK, BROWNE, LAUGHLIN, WILT, CAWLEY, McILHINNEY, STEELMAN, SNYDER, BATTISTO, ARGALL, ARMSTRONG, CIVERA, CLYMER, DALLY, FAIRCHILD, FICHTER, GEIST, GODSHALL, HARHAI, HERMAN, LEDERER, MARSICO, MCGILL, RAMOS, ROSS, SEMMEL, SERAFINI, STABACK, STEIL, STETLER, STURLA AND TANGRETTI, APRIL 21, 1999

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 8, 1999

AN ACT

1 Providing for watershed protection and environmental
2 stewardship, NATURAL RESOURCE AND OPEN SPACE CONSERVATION, <—
3 ENHANCEMENT AND REVITALIZATION OF COMMUNITIES, HERITAGE
4 DEVELOPMENT AND STEWARDSHIP OF PARK AND RECREATION RESOURCES;
5 establishing the Environmental AND HERITAGE Stewardship Fund; <—
6 conferring powers and duties on the Department of
7 Conservation and Natural Resources, the Department of
8 Environmental Protection and the Pennsylvania Infrastructure <—
9 Investment Authority, THE DEPARTMENT OF AGRICULTURE, THE <—
10 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, THE
11 DEPARTMENT OF EDUCATION, THE PENNSYLVANIA HISTORICAL AND
12 MUSEUM COMMISSION, THE PENNSYLVANIA FISH AND BOAT COMMISSION
13 AND THE PENNSYLVANIA GAME COMMISSION; imposing a recycling
14 fee; PROVIDING FOR A REFERENDUM; ESTABLISHING THE <—
15 ENVIRONMENTAL AND HERITAGE STEWARDSHIP SINKING FUND; and
16 making repeals.

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

19 Section 1. Short title.

20 This act shall be known and may be cited as the Watershed <—
21 Protection and Environmental ENVIRONMENTAL AND HERITAGE <—
22 Stewardship Act.

1 Section 2. Legislative findings.

2 The General Assembly hereby determines, declares and finds as
3 follows:

4 (1) The 21st Century Environment Commission identified
5 land use to be the most pressing environmental issue facing
6 the Commonwealth.

7 (2) Ninety-six percent of the water-quality-impaired
8 watersheds in this Commonwealth are polluted because of
9 nonpoint sources of pollution such as past mining activities,
10 urban and agricultural runoff, atmospheric deposition, on-lot
11 sewage systems and earthmoving ~~and timber harvesting~~ ←
12 activities.

13 ~~(3) The Commonwealth continues to have unmet needs in~~ ←
14 ~~the area of water and sewer infrastructure. New and improved~~
15 ~~water sources, treatment and distribution systems are~~
16 ~~necessary for public drinking water supplies.~~

17 ~~(4)~~ (3) The Commonwealth owns approximately 2.4 million ←
18 acres of State park and State forest lands and many of these
19 lands suffer from past environmental problems including
20 unreclaimed mines, acid mine drainage and abandoned oil and
21 gas wells.

22 ~~(5)~~ (4) Open space, greenways, trails, river corridors, ←
23 fish and wildlife habitats, parks and recreation areas and
24 scenic environments protect the environment, conserve natural
25 resources and add value to communities.

26 (5) THE KEYSTONE IN THE COMMONWEALTH'S STRATEGY TO ←
27 MAINTAIN A HEALTHY ENVIRONMENT AND DYNAMIC ECONOMY IS
28 STRENGTHENING THE WELL-BEING OF ITS COMMUNITIES AND HELPING
29 COMMUNITIES AND REGIONAL COALITIONS OF COMMUNITIES TO
30 PRESERVE AND ENHANCE THEIR NATURAL, CULTURAL, HISTORIC,

1 RECREATIONAL AND EDUCATIONAL RESOURCES AND TO REVITALIZE
2 THEIR DOWNTOWNS AND NEIGHBORHOODS.

3 (6) Legislation is necessary to provide incentives to
4 local governments to implement sound land use practices to
5 further encourage the preservation of open space, clean and
6 protect watersheds, improve recreational opportunities,
7 protect natural areas and habitats and address existing
8 environmental problems.

9 Section 3. 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 "Acquisition." The purchase, or lease with an option to
14 purchase, of land, easements or buildings for public parks,
15 conservation, historical or recreation uses.

16 ~~"Authority." The Pennsylvania Infrastructure Investment~~ <—
17 ~~Authority.~~

18 "Authorized organization." An entity involved in research,
19 restoration, rehabilitation, planning, acquisition, development,
20 education or other activities, which ~~further~~ FURTHERS the <—
21 protection, enhancement, conservation, preservation or enjoyment
22 of this Commonwealth's environmental, conservation, recreation
23 or similar resources. The organization must be a tax-exempt
24 institution under section 501(c)(3) of the Internal Revenue Code
25 of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3)) and
26 registered with the Bureau of Charitable Organizations or an
27 educational institution involved in these authorized activities.
28 THE ORGANIZATION MAY INCLUDE A MUNICIPAL AUTHORITY. <—

29 "COMMISSIONS." THE PENNSYLVANIA FISH AND BOAT COMMISSION, <—
30 THE PENNSYLVANIA GAME COMMISSION AND THE PENNSYLVANIA HISTORICAL

1 AND MUSEUM COMMISSION.

2 "Departments." The Department of COMMUNITY AND ECONOMIC <—
3 DEVELOPMENT, THE DEPARTMENT OF Conservation and Natural
4 Resources, THE DEPARTMENT OF EDUCATION and the Department of <—
5 Environmental Protection of the Commonwealth.

6 "Development." New construction, improvement, alteration or
7 renovation required for and compatible with the physical
8 development or improvement of land or buildings.

9 "Environmental department." The Department of Environmental
10 Protection of the Commonwealth.

11 "Fund." The Environmental AND HERITAGE Stewardship Fund <—
12 established in section 4.

13 "Planning." The preparation of park, recreation and open
14 space plans, river corridor and watershed plans, master site
15 development plans, feasibility studies, natural areas studies
16 and inventories, greenways and trail plans, maintenance
17 management plans, conservation plans, zoning plans, land use
18 plans, environmental management plans and research or education
19 documents, useful in assisting municipalities, Commonwealth
20 agencies, conservation districts, watershed organizations and
21 authorized organizations in developing a strategy for
22 environmental improvement, natural resource management, park and
23 recreation development and land conservation.

24 "Rehabilitation and repair." Restoration or renovation of
25 facilities or conditions of existing public conservation and
26 recreation resources. The term excludes routine maintenance.

27 "Sound land use practices." Practices that are generally
28 consistent with the inventory of land use practices published by
29 the Governor's Center for Local Government Services in the
30 Department of Community and Economic Development. The inventory

1 of practices should, THROUGH THE BALANCING OF ECONOMIC GROWTH <—
2 AND AFFORDABLE HOUSING, WITH THE PROTECTION OF THE ENVIRONMENT,
3 promote regional cooperation, DISCOURAGE SPRAWL DEVELOPMENT, <—
4 seek to minimize the impact on the environment, open space and
5 farmland and encourage development in previously developed areas
6 or in locally designated growth areas.

7 "Technical assistance." Provision of financial grants and
8 professional services. The term includes, publications,
9 research, video tapes, workshops, meetings, phone consultation
10 and written and electronic communication.

11 "Watershed organization." An entity recognized by either or
12 both of the Department of Conservation and Natural Resources and
13 the Department of Environmental Protection and established by
14 volunteer community members to promote local watershed
15 conservation efforts in an identified watershed.

16 Section 4. Fund.

17 (a) Establishment.--There is established a special fund in
18 the State Treasury, to be known as the Environmental AND <—
19 HERITAGE Stewardship Fund, which shall be administered by the
20 Department of Environmental Protection.

21 ~~(b) Sources.--~~ <—

22 ~~(1) Money appropriated by the General Assembly, interest~~

23 (B) SOURCES.--MONEY APPROPRIATED BY THE GENERAL ASSEMBLY, <—
24 INTEREST earned by the fund, penalties, and money received from <—
25 the Federal Government or other sources, ALL PROCEEDS FROM THE <—
26 SALE OF BONDS OR NOTES AS APPROVED UNDER SECTION 10 AND 10% OF
27 EACH MONTH'S REVENUES FROM THE STATE REALTY TRANSFER TAX IMPOSED
28 UNDER SECTION 1102-C OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),
29 KNOWN AS THE TAX REFORM CODE OF 1971, shall be deposited in the
30 fund. ~~The General Assembly may appropriate up to \$55,000,000~~ <—

1 ~~annually from the General Fund.~~ FUND. THE GENERAL ASSEMBLY MAY <—
2 APPROPRIATE FROM THE GENERAL FUND ANY SAVINGS REALIZED FROM THE
3 CAP INSTITUTED UNDER SECTION 10.

4 ~~(2) For a period of five years from the effective date <—~~
5 ~~of this act, the fund may receive money, upon approval of the~~
6 ~~Governor, from the Recycling Fund and the Hazardous Sites~~
7 ~~Cleanup Fund. The combined total of appropriations from these~~
8 ~~two funds for the program shall not exceed \$30,000,000~~
9 ~~annually.~~

10 (c) Appropriation.--The money in the fund is hereby
11 appropriated, upon approval of the Governor, to the departments
12 and the authority for the purpose of implementing the provisions
13 of this act.

14 ~~(d) Allocation. It is the intent of the General Assembly <—~~
15 ~~that the money appropriated in subsection (c) be allocated~~
16 ~~annually as follows: 34% to the Department of Conservation and~~
17 ~~Natural Resources; 41% to the Department of Environmental~~
18 ~~Protection and 25% to the authority.~~

19 (D) ALLOCATION.-- <—

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) FOR THE PROCEEDS
21 FROM THE SALE OF BONDS OR NOTES APPROVED UNDER SECTION 10,
22 THE MONEY APPROPRIATED IN SUBSECTION (C) SHALL BE ALLOCATED
23 ANNUALLY AS FOLLOWS: 41% TO THE DEPARTMENT OF CONSERVATION
24 AND NATURAL RESOURCES; 23% TO THE DEPARTMENT OF ENVIRONMENTAL
25 PROTECTION; 16% TO THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT
26 AUTHORITY; 8% TO THE PENNSYLVANIA HISTORICAL AND MUSEUM
27 COMMISSION; 6% TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC
28 DEVELOPMENT; 3% TO THE PENNSYLVANIA FISH AND BOAT COMMISSION;
29 AND 3% TO THE PENNSYLVANIA GAME COMMISSION.

30 (2) THE MONEY APPROPRIATED IN SUBSECTION (C) FROM THE

1 PROCEEDS FROM THE SALE OF BONDS OR NOTES APPROVED UNDER
2 SECTION 10 SHALL BE ALLOCATED AS FOLLOWS: \$100,000,000 TO THE
3 DEPARTMENT OF AGRICULTURE; \$154,000,000 TO THE DEPARTMENT OF
4 CONSERVATION AND NATURAL RESOURCES; \$45,000,000 TO THE
5 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION; \$38,000,000 TO
6 THE PENNSYLVANIA FISH AND BOAT COMMISSION; \$23,000,000 TO THE
7 PENNSYLVANIA GAME COMMISSION; \$205,000,000 TO THE DEPARTMENT
8 OF ENVIRONMENTAL PROTECTION; \$10,000,000 TO THE DEPARTMENT OF
9 EDUCATION; AND \$100,000,000 TO THE PENNSYLVANIA
10 INFRASTRUCTURE INVESTMENT AUTHORITY.

11 (E) LEGISLATIVE OVERSIGHT.--THE ANNUAL EXPENDITURE PLAN
12 RECOMMENDED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL
13 BE SUBMITTED BY THE GOVERNOR TO THE GENERAL ASSEMBLY AS PART OF
14 THE GOVERNOR'S ANNUAL BUDGET SUBMISSION. THE EXPENDITURE PLAN
15 FOR THE FUND SHALL BE OPEN FOR REVIEW AND COMMENT BY THE MEMBERS
16 OF THE GENERAL ASSEMBLY. THE RECOMMENDED FUND EXPENDITURE PLAN
17 SUBMITTED BY THE GOVERNOR AS PART OF THE ANNUAL BUDGET
18 SUBMISSION SHALL INCLUDE A DETAILED LISTING OF THE TYPES OF
19 PROGRAMS FOR THE ACTUAL YEAR, CURRENT YEAR AND PROPOSED BUDGET
20 YEAR.

21 (F) PROTECTION OF THE RECYCLING FUND.--

22 (1) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, ON AN
23 ANNUAL BASIS, SHALL PROVIDE SUFFICIENT MONEYS FOR MARKET
24 DEVELOPMENT FROM THE RECYCLING FUND TO PROMOTE THE LONG-TERM
25 SUSTAINABILITY OF RECYCLING AND TO PROMOTE THE CONTINUED
26 GROWTH OF THE RECYCLING RATE. FOR PURPOSES OF THIS
27 SUBSECTION, MARKET DEVELOPMENT SHALL MEAN A SET OF GOVERNMENT
28 POLICIES AND PROGRAMS THAT PROMOTE THE REMOVAL OF MARKETPLACE
29 BARRIERS TO RECYCLING AND WHICH PROMOTE A PRODUCTIVE END USE
30 FOR RECYCLABLES COLLECTED FROM RESIDENTS AND BUSINESSES.

1 (2) PRIOR TO SUBMITTING ITS ANNUAL RECYCLING FUND
2 SPENDING PLAN TO THE GENERAL ASSEMBLY, THE DEPARTMENT OF
3 ENVIRONMENTAL PROTECTION SHALL SUBMIT DETAILS OF ITS PROPOSED
4 EXPENDITURES UNDER THE ACT OF JULY 28, 1988 (P.L.556,
5 NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND
6 WASTE REDUCTION ACT, INCLUDING ADDITIONAL EXPENDITURES FOR
7 MARKET DEVELOPMENT, FOR REVIEW AND COMMENT TO THE RECYCLING
8 FUND ADVISORY COMMITTEE. AT THE SAME TIME, THE DEPARTMENT
9 SHALL SUBMIT DETAILS OF ITS ACTUAL EXPENDITURES UNDER THE
10 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT
11 FOR THE PRIOR FISCAL YEAR, INCLUDING ACTUAL EXPENDITURES FOR
12 MARKET DEVELOPMENT, FOR REVIEW AND COMMENT TO THE COMMITTEE.

13 (3) FOR A PERIOD OF FIVE YEARS FROM THE EFFECTIVE DATE
14 OF THIS ACT, MONEYS EXPENDED FOR PROGRAMS AUTHORIZED IN THE
15 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT
16 SHALL NOT FALL BELOW LEVELS EXPENDED IN FISCAL YEAR 1998-
17 1999.

18 Section 5. Agencies.

19 (a) The Department of Conservation and Natural Resources.--
20 The Department of Conservation and Natural Resources shall
21 utilize money it receives from the fund for the following
22 purposes:

23 (1) Rehabilitation, repair and development of State park
24 and State forest lands and facilities and the acquisition of
25 interior holdings and other land which the Department of
26 Conservation and Natural Resources determines will protect or
27 enhance State parks and State forests.

28 (2) Grants to municipalities, conservation districts and
29 authorized organizations for the purpose of planning,
30 education, acquisition, development, rehabilitation and

1 repair of greenways, trails, open space, natural areas, river
2 corridors, watersheds, community parks and recreation
3 facilities; community conservation and beautification
4 projects; forest conservation; and other conservation
5 purposes. Grant moneys may also be used for the acquisition
6 of farmland for the above-stated purposes. Priority in the
7 consideration of grant awards and other incentives shall be
8 given to projects which support sound land use practices.

9 (3) Grants to municipalities and authorized
10 organizations for purposes of research, planning, inventories
11 and technical assistance, intended to protect and conserve
12 the biological diversity of this Commonwealth.

13 (b) The Department of Environmental Protection.--

14 (1) The Department of Environmental Protection shall
15 utilize money it receives from the fund for the following
16 purposes:

17 (i) To implement acid mine drainage abatement and
18 cleanup efforts and plug abandoned and orphan oil and gas
19 wells.

20 (ii) To provide funding for technical assistance and
21 financial incentives to facilitate remining.

22 (iii) To provide grants to municipalities, county
23 conservation districts, watershed organizations and other
24 authorized organizations for acid mine drainage
25 abatement, mine cleanup efforts and well plugging.

26 (iv) To provide grants and technical assistance to
27 municipalities, county conservation districts, watershed
28 organizations and other authorized organizations to plan
29 and implement local watershed-based conservation efforts,
30 giving priority and other incentives to projects that

1 support sound land use practices.

2 (v) To improve water-quality-impaired watersheds,
3 including those polluted by past mining activities,
4 agricultural and urban runoff, atmospheric deposition,
5 on-lot sewage systems, and earth moving and timber
6 harvesting activities. Priority and other incentives
7 shall be given to projects which support sound land use
8 practices.

9 (VI) TO PROVIDE GRANTS FOR SAFE DRINKING WATER ←
10 PROJECTS AND WASTEWATER DISPOSAL PROJECTS WHICH SEEK TO
11 UTILIZE NEW AND INNOVATIVE TECHNOLOGY.

12 (2) County conservation districts are authorized to
13 further distribute grants from the Department of
14 Environmental Protection to watershed organizations and other
15 authorized organizations to assist in the implementation of
16 this act.

17 ~~(c) The authority. The authority shall utilize its ←~~

18 ~~allocation from the fund for the following purposes:~~

19 ~~(1) To provide financial assistance, including, but not~~
20 ~~limited to, grants, matching grants and low interest loans~~
21 ~~for nonpoint sources, with incentives to promote sound land~~
22 ~~use practices.~~

23 ~~(2) To provide financial assistance, including, but not~~
24 ~~limited to, grants, matching grants and low interest loans~~
25 ~~for water, storm water and sewer infrastructure projects and~~
26 ~~other incentives to promote sound land use practices for~~
27 ~~water, sewer and storm water projects in economically~~
28 ~~disadvantaged communities.~~

29 (3) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL ←
30 UTILIZE AT LEAST 75% OF THE MONEY IT RECEIVES FROM THE FUND

1 FOR ACID MINE DRAINAGE ABATEMENT AND CLEANUP EFFORTS.

2 (C) THE DEPARTMENT OF AGRICULTURE.--THE DEPARTMENT OF
3 AGRICULTURE SHALL UTILIZE ITS ALLOCATION FROM THE FUND FOR
4 FARMLAND PRESERVATION. AN EXPENDITURE FOR FARMLAND PRESERVATION
5 MUST COMPLY WITH THE ACT OF JUNE 30, 1981 (P.L.128, NO.43),
6 KNOWN AS THE AGRICULTURAL AREA SECURITY LAW.

7 (D) THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.--
8 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL
9 UTILIZE ITS ALLOCATION FROM THE FUND FOR PLANNING ASSISTANCE,
10 DOWNTOWN REVITALIZATION AND TOURISM DEVELOPMENT.

11 (E) THE DEPARTMENT OF EDUCATION.--THE DEPARTMENT OF
12 EDUCATION SHALL UTILIZE ITS ALLOCATION FROM THE FUND FOR LIBRARY
13 CAPITAL IMPROVEMENTS.

14 (F) THE PENNSYLVANIA FISH AND BOAT COMMISSION.--THE
15 PENNSYLVANIA FISH AND BOAT COMMISSION SHALL UTILIZE ITS
16 ALLOCATION FROM THE FUND FOR PLANNING, ACQUISITION, DEVELOPMENT
17 AND REHABILITATION OF FISHING AND BOATING AREAS, RECREATION
18 AREAS, NATURAL AREAS, HATCHERIES AND AQUATIC RESOURCES.

19 (G) THE PENNSYLVANIA GAME COMMISSION.--THE PENNSYLVANIA GAME
20 COMMISSION SHALL UTILIZE ITS ALLOCATION FROM THE FUND FOR
21 PLANNING, ACQUISITION, DEVELOPMENT AND REHABILITATION OF GAME
22 LANDS, RECREATION AREAS, NATURAL AREAS AND WILDLIFE HABITAT.

23 (H) THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.--THE
24 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION SHALL UTILIZE ITS
25 ALLOCATION FROM THE FUND FOR PLANNING, ACQUISITION, MITIGATION,
26 DEVELOPMENT AND REHABILITATION OF PUBLICLY AND PRIVATELY OWNED
27 HISTORIC SITES.

28 (I) ADMINISTRATIVE EXPENSE LIMITATION.--ADMINISTRATIVE
29 EXPENSES FOR A DEPARTMENT, COMMISSION OR AUTHORITY RELATING TO
30 THE UTILIZATION OF MONEY FROM THE FUND FOR THE PURPOSES SET

1 FORTH IN SUBSECTIONS (A) THROUGH (H) SHALL BE LIMITED TO 5% OF
2 THE MONEY WHICH THAT DEPARTMENT, COMMISSION OR AUTHORITY IS
3 ALLOCATED FROM THE FUND.

4 ~~(d)~~ (J) Regulations.--The departments and ~~the authority~~ <—
5 COMMISSIONS may promulgate such regulations necessary to carry <—
6 out the purposes of this act.

7 Section 6. Property and equipment restrictions.

8 (a) Prohibiting.--Recipients of grants under this act may
9 not dispose of or convert property or equipment acquired with
10 grant funds for purposes other than the purposes approved in the
11 project applications without the prior written approval of the
12 agency which provided the grant.

13 (b) Remedy.--If disposition or conversion in violation of
14 subsection (a) occurs, the agency may:

15 (1) Require the recipient to refund all grants for the
16 particular project, including 10% annual interest, compounded
17 four times annually, from the date the original grant was
18 received until it is repaid.

19 (2) Require acquisition by the recipient of equivalent
20 replacement land, as determined by the agency.

21 (3) Take possession of the property or equipment funded
22 by the agency.

23 Section 7. Pollution prevention.

24 The sum of \$2,000,000 is hereby appropriated to the
25 Department of Environmental Protection from the Hazardous Sites
26 Cleanup Fund established for the purposes of ~~expanding~~ <—
27 EXPANDING the Small Business and Household Pollution Prevention <—
28 Program to provide on-site assessments and recommendations for
29 pollution prevention and energy efficiency techniques for the
30 fiscal year July 1, 1999, through June 30, 2000. The General

1 Assembly may appropriate up to \$2,000,000 in additional funds
2 from the Hazardous Sites Cleanup Fund for this purpose in fiscal
3 year 2000-2001.

4 Section 8. Federal programs.

5 Agencies may utilize available Federal funds to augment funds
6 available under this act.

7 Section 9. Wild Resource Conservation Fund; duties of
8 Department of Conservation and Natural Resources.

9 (a) Appropriation.--The moneys contained in the Wild
10 Resource Conservation Fund are hereby appropriated, upon
11 approval of the Governor, to the Department of Conservation and
12 Natural Resources for the purposes of carrying out the
13 provisions of subsection (b), section 5(a)(3) and the act of
14 June 23, 1982 (P.L.597, No.170), known as the Wild Resource
15 Conservation Act.

16 ~~(b) Projects and programs. The Wild Resource Conservation~~ <—
17 ~~Board, after reviewing the recommendations of interested persons~~
18 ~~and consulting with the professional staffs of the agencies~~
19 ~~represented on the board, may approve projects or programs~~
20 ~~deemed necessary to preserve and enhance wild resources, for~~
21 ~~which the Department of Conservation and Natural Resources may~~
22 ~~allocate moneys from the Wild Resource Conservation Fund.~~

23 ~~(c) Sale of stamps and decals. The Department of~~
24 ~~Conservation and Natural Resources shall have the right to issue~~
25 ~~for sale to the public stamps, decals or other items of personal~~
26 ~~property intended to signify the interest of the purchaser in~~
27 ~~contributing to programs established by the department under~~
28 ~~this section, the net proceeds of which shall be deposited in~~
29 ~~the Wild Resource Conservation Fund.~~

30 (B) PROJECTS AND PROGRAMS.-- <—

1 (1) THE WILD RESOURCE CONSERVATION BOARD, AFTER
2 REVIEWING THE RECOMMENDATIONS OF INTERESTED PERSONS AND
3 CONSULTING WITH THE PROFESSIONAL STAFFS OF THE AGENCIES
4 REPRESENTED ON THE BOARD, MAY APPROVE PROJECTS OR PROGRAMS
5 DEEMED NECESSARY TO PRESERVE AND ENHANCE WILD RESOURCES, FOR
6 WHICH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
7 SHALL ALLOCATE MONEYS FROM THE WILD RESOURCE CONSERVATION
8 FUND. HOWEVER, THE DEPARTMENT SHALL NOT ALLOCATE ANY MONEYS
9 FROM THE WILD RESOURCE CONSERVATION FUND FOR ANY PROJECTS
10 APPROVED BY THE BOARD WHEN SUCH AN ALLOCATION WOULD EXCEED
11 THE MONEYS AVAILABLE IN THE WILD RESOURCE CONSERVATION FUND.

12 (2) THE WILD RESOURCE CONSERVATION BOARD MAY RECOMMEND
13 TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES THAT
14 IT PROVIDE FUNDING FROM THE ENVIRONMENTAL STEWARDSHIP FUND,
15 IN ACCORDANCE WITH SECTION 5(A)(3), TO PROJECTS OR PROGRAMS
16 THAT PROMOTE THE PRESERVATION AND ENHANCEMENT OF WILD
17 RESOURCES.

18 (C) SALE OF MERCHANDISE AND VOLUNTARY CONTRIBUTIONS.--THE
19 WILD RESOURCE CONSERVATION BOARD, WITH THE APPROVAL OF THE
20 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, MAY SOLICIT
21 VOLUNTARY CONTRIBUTIONS AND ISSUE FOR SALE TO THE PUBLIC STAMPS,
22 DECALS AND OTHER ITEMS OF PERSONAL PROPERTY INTENDED TO SIGNIFY
23 THE INTEREST OF THE PURCHASER IN CONTRIBUTING TO THE PROGRAMS
24 ESTABLISHED BY THE BOARD UNDER THIS SECTION. ANY CONTRIBUTIONS
25 RECEIVED AND THE NET PROCEEDS FROM THE SALE OF ANY MERCHANDISE
26 SHALL BE DEPOSITED IN THE WILD RESOURCE CONSERVATION FUND.

27 (D) ADVISORY COMMITTEE.--THE WILD RESOURCE CONSERVATION
28 BOARD SHALL ESTABLISH AN ADVISORY COMMITTEE, THE MEMBERS OF
29 WHICH:

30 (1) SHALL BE CHOSEN FROM THE PUBLIC AND SHALL SERVE AT

1 THE PLEASURE OF THE BOARD.

2 (2) SHALL MEET TO ADVISE THE BOARD AND THE DEPARTMENT OF
3 CONSERVATION AND NATURAL RESOURCES.

4 (3) SHALL MAKE RECOMMENDATIONS REGARDING THE GENERAL
5 MANAGEMENT OBJECTIVES OF THE BOARD AND PROJECTS THAT WILL
6 PROMOTE THE PRESERVATION AND ENHANCEMENT OF WILD RESOURCES.

7 ~~(d)~~ (E) Activities of other agencies.--The authority granted ←
8 pursuant to subsection (c) shall not affect or interfere with
9 similar authority vested by law in any agency represented on the
10 board to sell items of personal property which promote the
11 independent programs of those respective agencies. Said agencies
12 shall likewise have the right to issue for sale items of
13 personal property intended to signify the interest of the
14 purchaser in contributing to programs established by the
15 department, the net proceeds of which shall be deposited in the
16 fund.

17 SECTION 10. REFERENDUM. ←

18 (A) QUESTION.--THE QUESTION OF INCURRING INDEBTEDNESS OF
19 \$675,000,000 FOR THE PURPOSES OF PLANNING, ACQUISITION,
20 DEVELOPMENT, REHABILITATION AND IMPROVEMENT OF PARKS AND
21 RECREATIONAL FACILITIES, NATURAL AREAS, HISTORIC SITES AND
22 LIBRARIES AND FOR THE PURPOSE OF ACID MINE DRAINAGE RESTORATION,
23 FOR THE PURPOSE OF FARMLAND PRESERVATION AND FOR THE PURPOSE OF
24 IMPROVING WATER AND SEWER INFRASTRUCTURE SHALL BE SUBMITTED TO
25 THE ELECTORS AT THE NEXT PRIMARY, MUNICIPAL, OR GENERAL ELECTION
26 FOLLOWING THE EFFECTIVE DATE OF THIS ACT.

27 (B) CERTIFICATION.--THE SECRETARY OF THE COMMONWEALTH SHALL
28 CERTIFY THE FORM OF THE QUESTION UNDER SUBSECTION (C) OF THE
29 COUNTY BOARDS OF ELECTIONS.

30 (C) FORM OF QUESTION.--THE QUESTION SHALL BE IN

1 SUBSTANTIALLY THE FOLLOWING FROM:

2 DO YOU FAVOR THE INCURRING OF INDEBTEDNESS BY THE
3 COMMONWEALTH OF \$675,000,000 TO PROVIDE FOR THE FUNDING
4 OF NATURE PRESERVES, WILDLIFE HABITATS, ACID MINE
5 DRAINAGE RESTORATION, FARMLAND PRESERVATION AND
6 IMPROVEMENTS TO AND EXPANSION OF STATE PARKS, COMMUNITY
7 PARKS AND RECREATION FACILITIES, HISTORIC SITES, WATER
8 AND SEWER INFRASTRUCTURE AND PUBLIC LIBRARIES?

9 (D) ELECTION.--THE ELECTION SHALL BE CONDUCTED AT THE NEXT
10 OCCURRING GENERAL OR MUNICIPAL ELECTION FOLLOWING THE EFFECTIVE
11 DATE OF THIS ACT, IN ACCORDANCE WITH THE ACT OF JUNE 3, 1937
12 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,
13 EXCEPT THAT THE TIME LIMITS FOR ADVERTISEMENT OF NOTICE OF THE
14 ELECTION MAY BE WAIVED AS TO THE QUESTION.

15 (E) PROCEEDS.--PROCEEDS OF BORROWING SHALL BE DEPOSITED IN
16 THE ENVIRONMENTAL AND HERITAGE STEWARDSHIP FUND AND SHALL BE
17 USED TO IMPLEMENT THIS ACT.

18 SECTION 11. COMMONWEALTH INDEBTEDNESS.

19 (A) BORROWING AUTHORIZED.--

20 (1) SUBJECT TO THE APPROVAL OF THE ELECTORATE OF THE
21 REFERENDUM SET FORTH IN SECTION 10 AND UNDER THE PROVISIONS
22 OF SECTION 7(A)(3) OF ARTICLE VIII OF THE CONSTITUTION OF
23 PENNSYLVANIA, THE ISSUING OFFICIALS ARE AUTHORIZED AND
24 DIRECTED TO BORROW OVER A FIVE-YEAR PERIOD, ON THE CREDIT OF
25 THE COMMONWEALTH, MONEY NOT EXCEEDING IN THE AGGREGATE THE
26 SUM OF \$675,000,000, NOT INCLUDING MONEY BORROWED TO REFUND
27 OUTSTANDING BONDS, NOTES OR REPLACEMENT NOTES, AS MAY BE
28 FOUND NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT.

29 (2) AS EVIDENCE OF THE INDEBTEDNESS AUTHORIZED IN THIS
30 ACT, GENERAL OBLIGATION BONDS OF THE COMMONWEALTH SHALL BE

1 ISSUED, FROM TIME TO TIME, TO PROVIDE MONEYS NECESSARY TO
2 CARRY OUT THE PURPOSES OF THIS ACT FOR SUCH TOTAL AMOUNTS, IN
3 SUCH FORM, IN SUCH DENOMINATIONS AND SUBJECT TO SUCH TERMS
4 AND CONDITIONS OF ISSUE, REDEMPTION AND MATURITY, RATE OF
5 INTEREST AND TIME OF PAYMENT OF INTEREST AS THE ISSUING
6 OFFICIALS DIRECT, EXCEPT THAT THE LATEST STATED MATURITY DATE
7 SHALL NOT EXCEED 30 YEARS FROM THE DATE OF THE FIRST
8 OBLIGATION ISSUED TO EVIDENCE THE DEBT.

9 (3) ALL BONDS AND NOTES ISSUED UNDER THE AUTHORITY OF
10 THIS ACT SHALL BEAR FACSIMILE SIGNATURES OF THE ISSUING
11 OFFICIAL AND A FACSIMILE OF THE GREAT SEAL OF THE
12 COMMONWEALTH AND SHALL BE COUNTERSIGNED BY A DULY AUTHORIZED
13 OFFICER OF A DULY AUTHORIZED LOAN AND TRANSFER AGENT OF THE
14 COMMONWEALTH.

15 (4) ALL BONDS AND NOTES ISSUED IN ACCORDANCE WITH THE
16 PROVISIONS OF THIS SECTION SHALL BE DIRECT OBLIGATIONS OF THE
17 COMMONWEALTH, AND THE FULL FAITH AND CREDIT OF THE
18 COMMONWEALTH ARE HEREBY PLEDGED FOR THE PAYMENT OF THE
19 INTEREST THEREON, AS IT BECOMES DUE, AND THE PAYMENT OF THE
20 PRINCIPAL AT MATURITY. THE PRINCIPAL OF AND INTEREST ON THE
21 BONDS AND NOTES SHALL BE PAYABLE IN LAWFUL MONEY OF THE
22 UNITED STATES.

23 (5) ALL BONDS AND NOTES ISSUED UNDER THE PROVISIONS OF
24 THIS SECTION SHALL BE EXEMPT FROM TAXATION FOR STATE AND
25 LOCAL PURPOSES EXCEPT AS MAY BE PROVIDED UNDER ARTICLE XVI OF
26 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
27 REFORM CODE OF 1971.

28 (6) THE BONDS MAY BE ISSUED AS COUPON BONDS OR
29 REGISTERED AS TO BOTH PRINCIPAL AND INTEREST AS THE ISSUING
30 OFFICIALS MAY DETERMINE. IF INTEREST COUPONS ARE ATTACHED,

1 THEY SHALL CONTAIN THE FACSIMILE SIGNATURE OF THE STATE
2 TREASURER.

3 (7) THE ISSUING OFFICIALS SHALL PROVIDE FOR THE
4 AMORTIZATION OF THE BONDS IN SUBSTANTIAL AND REGULAR AMOUNTS
5 OVER THE TERM OF THE DEBT SO THAT THE BONDS OF EACH ISSUE
6 ALLOCATED TO THE PROGRAMS TO BE FUNDED FROM THE BOND ISSUE
7 SHALL MATURE WITHIN A PERIOD NOT TO EXCEED THE APPROPRIATE
8 AMORTIZATION PERIOD FOR EACH PROGRAM AS SPECIFIED BY THE
9 ISSUING OFFICIALS BUT IN NO CASE IN EXCESS OF 30 YEARS. THE
10 FIRST RETIREMENT OF PRINCIPAL SHALL BE STATED TO MATURE PRIOR
11 TO THE EXPIRATION OF A PERIOD OF TIME EQUAL TO ONE-TENTH OF
12 THE TIME FROM THE DATE OF THE FIRST OBLIGATION ISSUED TO
13 EVIDENCE THE DEBT TO THE DATE OF THE EXPIRATION OF THE TERM
14 OF THE DEBT. RETIREMENTS OF PRINCIPAL SHALL BE REGULAR AND
15 SUBSTANTIAL IF MADE IN ANNUAL OR SEMIANNUAL AMOUNTS WHETHER
16 BY STATED SERIAL MATURITIES OR BY MANDATORY SINKING FUND
17 RETIREMENTS.

18 (8) THE ISSUING OFFICIALS MAY PROVIDE BY RESOLUTION, FOR
19 THE ISSUANCE OF REFUNDING BONDS FOR THE PURPOSE OF REFUNDING
20 ANY DEBT ISSUED UNDER THE PROVISIONS OF THIS ACT AND THEN
21 OUTSTANDING, EITHER BY VOLUNTARY EXCHANGE WITH THE HOLDERS OF
22 THE OUTSTANDING DEBT OR TO PROVIDE FUNDS TO REDEEM AND RETIRE
23 THE OUTSTANDING DEBT WITH ACCRUED INTEREST, ANY PREMIUM
24 PAYABLE THEREON AND THE COSTS OF ISSUANCE AND RETIREMENT OF
25 THE DEBT, AT MATURITY OR AT ANY CALL DATE. THE ISSUANCE OF
26 THE REFUNDING BONDS, THE MATURITIES AND OTHER DETAILS
27 THEREOF, THE RIGHTS OF THE HOLDERS THEREOF AND THE DUTIES OF
28 THE ISSUING OFFICIALS IN RESPECT THERETO SHALL BE GOVERNED BY
29 THE PROVISIONS OF THIS SECTION, INsofar AS THEY ARE
30 APPLICABLE. REFUNDING BONDS, WHICH ARE NOT SUBJECT TO THE

1 AGGREGATE LIMITATION OF \$675,000,000 OF DEBT TO BE ISSUED
2 PURSUANT TO THIS ACT, MAY BE ISSUED BY THE ISSUING OFFICIALS
3 TO REFUND DEBT ORIGINALLY ISSUED OR TO REFUND BONDS
4 PREVIOUSLY ISSUED FOR REFUNDING PURPOSES.

5 (9) WHENEVER ANY ACTION IS TO BE TAKEN OR DECISION MADE
6 BY THE GOVERNOR, THE AUDITOR GENERAL AND THE STATE TREASURER
7 ACTING AS ISSUING OFFICIALS AND THE THREE OFFICERS ARE NOT
8 ABLE UNANIMOUSLY TO AGREE, THE ACTION OR DECISION OF THE
9 GOVERNOR AND EITHER THE AUDITOR GENERAL OR THE STATE
10 TREASURER SHALL BE BINDING AND FINAL.

11 (10) ISSUING OFFICIALS SHALL MEAN THE GOVERNOR, THE
12 AUDITOR GENERAL AND THE STATE TREASURER.

13 (B) SALE OF BONDS.--

14 (1) WHENEVER BONDS ARE ISSUED, THEY SHALL BE OFFERED FOR
15 SALE AT NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND ACCRUED
16 INTEREST AND SHALL BE SOLD BY THE ISSUING OFFICIALS TO THE
17 HIGHEST AND BEST BIDDER OR BIDDERS AFTER DUE PUBLIC
18 ADVERTISEMENT ON THE TERMS AND CONDITIONS AND UPON SUCH OPEN
19 COMPETITIVE BIDDING AS THE ISSUING OFFICIALS SHALL DIRECT.
20 THE MANNER AND CHARACTER OF THE ADVERTISEMENT AND THE TIME OF
21 ADVERTISING SHALL BE PRESCRIBED BY THE ISSUING OFFICIALS. NO
22 COMMISSION SHALL BE ALLOWED OR PAID FOR THE SALE OF ANY BONDS
23 ISSUED UNDER THE AUTHORITY OF THIS ACT.

24 (2) ANY PORTION OF ANY BOND ISSUE SO OFFERED AND NOT
25 SOLD OR SUBSCRIBED FOR AT PUBLIC SALE MAY BE DISPOSED OF BY
26 PRIVATE SALE BY THE ISSUING OFFICIALS IN SUCH MANNER AND AT
27 SUCH PRICES, NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND
28 ACCRUED INTEREST, AS THE GOVERNOR SHALL DIRECT. NO COMMISSION
29 SHALL BE ALLOWED OR PAID FOR THE SALE OF ANY BONDS ISSUED
30 UNDER THE AUTHORITY OF THIS ACT.

1 (3) WHEN BONDS ARE ISSUED FROM TIME TO TIME, THE BONDS
2 OF EACH ISSUE SHALL CONSTITUTE A SEPARATE SERIES TO BE
3 DESIGNATED BY THE ISSUING OFFICIALS OR MAY BE COMBINED FOR
4 SALE AS ONE SERIES WITH OTHER GENERAL OBLIGATION BONDS OF THE
5 COMMONWEALTH.

6 (4) UNTIL PERMANENT BONDS CAN BE PREPARED, THE ISSUING
7 OFFICIALS MAY IN THEIR DISCRETION ISSUE, IN LIEU OF PERMANENT
8 BONDS, TEMPORARY BONDS IN SUCH FORM AND WITH SUCH PRIVILEGES
9 AS TO REGISTRATION AND EXCHANGE FOR PERMANENT BONDS AS MAY BE
10 DETERMINED BY THE ISSUING OFFICIALS.

11 (5) THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND
12 NOTES, EXCEPT REFUNDING BONDS AND REPLACEMENT NOTES, UNDER
13 THE PROVISIONS OF THIS ACT SHALL BE PAID INTO THE
14 ENVIRONMENTAL AND HERITAGE STEWARDSHIP FUND IN THE STATE
15 TREASURY AND ARE SPECIFICALLY DEDICATED TO THE PURPOSES OF
16 THIS ACT. THE PROCEEDS OF THE SALE OF REFUNDING BONDS AND
17 REPLACEMENT NOTES SHALL BE PAID TO THE STATE TREASURER AND
18 APPLIED TO THE PAYMENT OF PRINCIPAL, THE ACCRUED INTEREST AND
19 PREMIUM, IF ANY, AND THE COST OF REDEMPTION OF THE BONDS AND
20 NOTES FOR WHICH THE OBLIGATIONS SHALL HAVE BEEN ISSUED.

21 (6) PENDING THEIR APPLICATION FOR THE PURPOSES
22 AUTHORIZED, MONEYS HELD OR DEPOSITED BY THE STATE TREASURER
23 MAY BE INVESTED OR REINVESTED AS ARE OTHER FUNDS IN THE
24 CUSTODY OF THE STATE TREASURER IN THE MANNER PROVIDED BY LAW.
25 ALL EARNINGS RECEIVED FROM THE INVESTMENT OR DEPOSIT OF THE
26 FUNDS SHALL BE PAID INTO THE STATE TREASURY TO THE CREDIT OF
27 THE FUND.

28 (7) THE AUDITOR GENERAL SHALL PREPARE THE NECESSARY
29 REGISTRY BOOK TO BE KEPT IN THE OFFICE OF THE DULY AUTHORIZED
30 LOAN AND TRANSFER AGENT OF THE COMMONWEALTH FOR THE

1 REGISTRATION OF ANY BONDS, AT THE REQUEST OF OWNERS THEREOF,
2 ACCORDING TO THE TERMS AND CONDITIONS OF ISSUE DIRECTED BY
3 THE ISSUING OFFICIALS.

4 (8) THERE IS HEREBY APPROPRIATED TO THE STATE TREASURER
5 FROM THE FUND AS MUCH MONEY AS MAY BE NECESSARY FOR ALL COSTS
6 AND EXPENSES IN CONNECTION WITH THE ISSUE OF AND SALE AND
7 REGISTRATION OF THE BONDS AND NOTES IN CONNECTION WITH THIS
8 ACT AND THE PAYMENT OF INTEREST ARBITRAGE REBATES OR PROCEEDS
9 OF SUCH BONDS AND NOTES.

10 (C) TEMPORARY FINANCING AUTHORIZATION.--

11 (1) PENDING THE ISSUANCE OF BONDS OF THE COMMONWEALTH AS
12 AUTHORIZED, THE ISSUING OFFICIALS ARE HEREBY AUTHORIZED, IN
13 ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND ON THE CREDIT
14 OF THE COMMONWEALTH, TO MAKE TEMPORARY BORROWINGS NOT TO
15 EXCEED ONE YEAR IN ANTICIPATION TO THE ISSUE OF BONDS IN
16 ORDER TO PROVIDE FUNDS IN SUCH AMOUNTS AS MAY, FROM TIME TO
17 TIME, BE DEEMED ADVISABLE PRIOR TO THE ISSUE OF BONDS. IN
18 ORDER TO PROVIDE FOR AND IN CONNECTION WITH SUCH TEMPORARY
19 BORROWINGS, THE ISSUING OFFICIALS MAY, IN THE NAME AND ON
20 BEHALF OF THE COMMONWEALTH, ENTER INTO ANY PURCHASE, LOAN OR
21 CREDIT AGREEMENT, OR AGREEMENTS WITH ANY BANKS OR TRUST
22 COMPANIES OR OTHER LENDING INSTITUTIONS, INVESTMENT BANKING
23 FIRMS OR PERSONS IN THE UNITED STATES HAVING POWER TO ENTER
24 INTO THE SAME, WHICH AGREEMENTS MAY CONTAIN PROVISIONS NOT
25 INCONSISTENT WITH THE PROVISIONS OF THIS ACT AS MAY BE
26 AUTHORIZED BY THE ISSUING OFFICIALS.

27 (2) ALL TEMPORARY BORROWINGS MADE UNDER THE
28 AUTHORIZATION OF THIS SECTION SHALL BE EVIDENCED BY NOTES OF
29 THE COMMONWEALTH, WHICH SHALL BE ISSUED, FROM TIME TO TIME,
30 FOR SUCH AMOUNTS NOT EXCEEDING IN THE AGGREGATE THE

1 APPLICABLE STATUTORY AND CONSTITUTIONAL DEBT LIMITATION, IN
2 SUCH FORM AND IN SUCH DENOMINATIONS AND SUBJECT TO TERMS AND
3 CONDITIONS OF SALE AND ISSUE, PREPAYMENT OR REDEMPTION AND
4 MATURITY, RATE OF RATES OF INTEREST AND TIME OF PAYMENT OF
5 INTEREST AS THE ISSUING OFFICIALS SHALL AUTHORIZE AND DIRECT
6 AND IN ACCORDANCE WITH THIS ACT. SUCH AUTHORIZATION AND
7 DIRECTION MAY PROVIDE FOR THE SUBSEQUENT ISSUANCE OF
8 REPLACEMENT NOTES TO REFUND OUTSTANDING NOTES OR REPLACEMENT
9 NOTES, WHICH REPLACEMENT NOTES SHALL, UPON ISSUANCE THEREOF,
10 EVIDENCE SUCH BORROWING, AND MAY SPECIFY SUCH OTHER TERMS AND
11 CONDITIONS WITH RESPECT TO THE NOTES AND REPLACEMENT NOTES
12 THEREBY AUTHORIZED FOR ISSUANCE AS THE ISSUING OFFICIALS MAY
13 DETERMINE AND DIRECT.

14 (3) WHEN THE AUTHORIZATION AND DIRECTION OF THE ISSUING
15 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE
16 ISSUING OFFICIALS ARE HEREBY AUTHORIZED IN THE NAME AND ON
17 BEHALF OF THE COMMONWEALTH TO ISSUE, ENTER INTO OR AUTHORIZE
18 AND DIRECT THE STATE TREASURER TO ENTER INTO AGREEMENTS WITH
19 ANY BANKS, TRUST COMPANIES, INVESTMENT BANKING FIRMS OR OTHER
20 INSTITUTIONS OR PERSONS IN THE UNITED STATES HAVING THE POWER
21 TO ENTER THE SAME:

22 (I) TO PURCHASE OR UNDERWRITE AN ISSUE OR SERIES OF
23 ISSUES OR NOTES.

24 (II) TO CREDIT, TO ENTER INTO ANY PURCHASE, LOAN OR
25 CREDIT AGREEMENTS, TO DRAW MONEYS PURSUANT TO ANY SUCH
26 AGREEMENTS ON THE TERMS AND CONDITIONS SET FORTH THEREIN
27 AND TO ISSUE NOTES AS EVIDENCE OF BORROWINGS MADE UNDER
28 ANY SUCH AGREEMENTS.

29 (III) TO APPOINT AS ISSUING AND PAYING AGENT OR
30 AGENTS WITH RESPECT TO NOTES.

1 (IV) TO DO ALL ACTS AS MAY BE NECESSARY OR
2 APPROPRIATE TO PROVIDE FOR THE PAYMENT, WHEN DUE, OF THE
3 INTEREST ON AND THE PRINCIPAL OF SUCH NOTES.

4 SUCH AGREEMENTS MAY PROVIDE FOR THE COMPENSATION OF ANY
5 PURCHASERS OR UNDERWRITERS OF NOTES OR REPLACEMENT NOTES BY
6 DISCOUNTING THE PURCHASE PRICE OF THE NOTES OR BY PAYMENT OF
7 A FIXED FEE OR COMMISSION AT THE TIME OF ISSUANCE THEREOF,
8 AND ALL OTHER COSTS AND EXPENSES, INCLUDING FEES FOR
9 AGREEMENTS RELATED TO THE NOTES, ISSUING AND PAYING AGENT
10 COSTS AND COSTS AND EXPENSES OF ISSUANCE, MAY BE PAID FROM
11 THE PROCEEDS OF THE NOTES.

12 (4) WHEN THE AUTHORIZATION AND DIRECTION OF THE ISSUING
13 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE
14 STATE TREASURER SHALL, AT OR PRIOR TO THE TIME OF DELIVERY OF
15 THESE NOTES OR REPLACEMENT NOTES, DETERMINE THE PRINCIPAL
16 AMOUNTS, DATES OF ISSUE, INTEREST RATE OR RATES, OR
17 PROCEDURES FOR ESTABLISHING SUCH RATES FROM TIME TO TIME,
18 RATES OF DISCOUNT, DENOMINATIONS AND ALL OTHER TERMS AND
19 CONDITIONS RELATING TO THE ISSUANCE AND SHALL PERFORM ALL
20 ACTS AND THINGS NECESSARY TO PAY OR CAUSE TO BE PAID, WHEN
21 DUE, ALL PRINCIPAL OF AND INTEREST ON THE NOTES BEING
22 REFUNDED BY REPLACEMENT NOTES AND TO ASSURE THAT THE SAME MAY
23 DRAW UPON ANY MONEYS AVAILABLE FOR THAT PURPOSE PURSUANT TO
24 ANY PURCHASE, LOAN OR CREDIT AGREEMENTS ESTABLISHED WITH
25 RESPECT THERETO, ALL SUBJECT TO THE AUTHORIZATION AND
26 DIRECTION OF THE ISSUING OFFICIALS.

27 (5) OUTSTANDING NOTES EVIDENCING THE BORROWINGS MAY BE
28 FUNDED AND RETIRED BY THE ISSUANCE AND SALE OF THE BONDS OF
29 THE COMMONWEALTH AS AUTHORIZED BY THIS ACT. THE REFUNDING
30 BONDS MUST BE ISSUED AND SOLD NOT LATER THAN A DATE ONE YEAR

1 AFTER THE DATE OF ISSUANCE OF THE FIRST NOTES EVIDENCING SUCH
2 BORROWINGS TO THE EXTENT THAT PAYMENT OF SUCH NOTES HAS NOT
3 OTHERWISE BEEN MADE OR PROVIDED FOR BY SOURCES OTHER THAN
4 PROCEEDS OF REPLACEMENT NOTES.

5 (6) THE PROCEEDS OF ALL TEMPORARY BORROWING SHALL BE
6 PAID TO THE STATE TREASURER TO BE HELD AND DISPOSED OF IN
7 ACCORDANCE WITH THIS ACT.

8 (D) DEBT RETIREMENT.--

9 (1) ALL BONDS ISSUED UNDER THE AUTHORITY OF THIS ACT
10 SHALL BE REDEEMED AT MATURITY, TOGETHER WITH ALL INTEREST
11 DUE, FROM TIME TO TIME, ON THE BONDS, AND THESE PRINCIPAL AND
12 INTEREST PAYMENTS SHALL BE PAID FROM THE ENVIRONMENTAL AND
13 HERITAGE STEWARDSHIP SINKING FUND WHICH IS HEREBY
14 ESTABLISHED. FOR THE SPECIFIC PURPOSE OF REDEEMING THE BONDS
15 AT MATURITY AND PAYING ALL INTEREST THEREON IN ACCORDANCE
16 WITH THE INFORMATION RECEIVED FROM THE GOVERNOR, THE GENERAL
17 ASSEMBLY SHALL APPROPRIATE MONEYS TO THE FUND FOR THE PAYMENT
18 OF INTEREST ON THE BONDS AND NOTES AND THE PRINCIPAL THEREOF
19 AT MATURITY. ALL MONEYS PAID INTO THE FUND AND ALL OF THE
20 MONEYS NOT NECESSARY TO PAY ACCRUING INTEREST SHALL BE
21 INVESTED BY THE STATE TREASURER IN SUCH SECURITIES AS ARE
22 PROVIDED BY LAW FOR THE INVESTMENT OF THE SINKING FUNDS OF
23 THE COMMONWEALTH.

24 (2) THE STATE TREASURER SHALL DETERMINE AND REPORT TO
25 THE SECRETARY OF THE BUDGET BY NOVEMBER 1 OF EACH YEAR, THE
26 AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF INTEREST ON
27 OUTSTANDING OBLIGATIONS AND THE PRINCIPAL OF THE OBLIGATIONS,
28 IF ANY, FOR THE FOLLOWING FISCAL YEAR AND THE TIMES AND
29 AMOUNTS OF THE PAYMENTS. IT SHALL BE THE DUTY OF THE GOVERNOR
30 TO INCLUDE IN EVERY BUDGET SUBMITTED TO THE GENERAL ASSEMBLY

1 FULL INFORMATION RELATING TO THE ISSUANCE OF BONDS AND NOTES
2 UNDER THIS ACT AND THE STATUS OF THE FUND FOR THE PAYMENT OF
3 INTEREST ON THE BONDS AND NOTES AND THE PRINCIPAL THEREOF AT
4 MATURITY.

5 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT
6 EQUAL TO THE SUMS THAT MAY BE NECESSARY TO MEET REPAYMENT
7 OBLIGATIONS FOR PRINCIPAL AND INTEREST FOR DEPOSIT INTO THE
8 FUND.

9 (E) ANNUAL LIMITATION ON DEBT OBLIGATIONS ISSUED.--BONDS AND
10 NOTES, NOT INCLUDING REFUNDING BONDS OR REPLACEMENT NOTES, AS
11 AUTHORIZED IN THIS ACT, SHALL NOT BE ISSUED IN THE AGGREGATE
12 PRINCIPAL AMOUNT OF MORE THAN \$472,000,000 DURING ANY ONE STATE
13 FISCAL YEAR.

14 (F) EXPIRATION.--AUTHORIZATION TO ISSUE BONDS AND NOTES, NOT
15 INCLUDING REFUNDING BONDS AND REPLACEMENT NOTES, FOR THE
16 PURPOSES OF THIS ACT SHALL EXPIRE FIVE YEARS FROM THE EFFECTIVE
17 DATE OF THIS ACT.

18 Section ~~10~~ 12. Repeals. <—

19 ~~(a) Municipal recycling grants. Section 1937 A(b) of the~~ <—
20 ~~act of April 9, 1929 (P.L.177, No.175), known as The~~
21 ~~Administrative Code of 1929, is repealed.~~

22 ~~(b)~~ (A) Sewage construction payments to municipalities.--The <—
23 act of August 20, 1953 (P.L.1217, No.339), entitled "An act
24 providing for payments by the Commonwealth to municipalities
25 which have expended money to acquire and construct sewage
26 treatment plants in accordance with the Clean Streams Program
27 and the act, approved the twenty-second day of June, one
28 thousand nine hundred thirty-seven (Pamphlet Laws 1987), and
29 making an appropriation," is repealed.

30 ~~(c)~~ (B) Site-specific postclosure fund.--Sections 1108(b) <—

1 and (c) of the act of July 28, 1988 (P.L.556, No.101), known as
2 the Municipal Waste Planning, Recycling and Waste Reduction Act,
3 are repealed. A county which established a landfill closure
4 account may spend the money in that account to develop,
5 implement plans that promote sound land use practices, fund
6 county conservation districts, protect farmland or to accomplish
7 any other purpose authorized by this act. An expenditure for
8 farmland preservation must comply with the act of June 30, 1981
9 (P.L.128, No.43), known as the Agricultural Area Security Law.

10 ~~(d) (C) Wild Resource Conservation.--Section 5305(d),~~ <—
11 ~~5306(b)(3)~~ SECTIONS 5(D), 6(B)(3), (4), (5) and (6), (c), (d), <—
12 (e), (f) and (g) AND 13 of the act of June 23, 1982 (P.L.597, <—
13 No.170), known as the Wild Resource Conservation Act, are
14 repealed.

15 ~~(e) (D) General.--All other acts and parts of acts are~~ <—
16 repealed insofar as they are inconsistent with this act.

17 ~~Section 11. Extension of fees.~~ <—

18 ~~No fee shall be imposed under section 701 of the act of July~~
19 ~~28, 1988 (P.L.556, No.101), known as the Municipal Waste~~
20 ~~Planning, Recycling and Waste Reduction Act, on or after October~~
21 ~~15, 2004.~~

22 SECTION 13. SEWAGE CONSTRUCTION PAYMENTS TO MUNICIPALITIES. <—

23 NO MUNICIPALITY, MUNICIPAL AUTHORITY OR SCHOOL DISTRICT WHICH
24 IS NOT PRESENTLY RECEIVING PAYMENTS PURSUANT TO THE ACT OF
25 AUGUST 20, 1953 (P.L.1217, NO.339), ENTITLED "AN ACT PROVIDING
26 FOR PAYMENTS BY THE COMMONWEALTH TO MUNICIPALITIES WHICH HAVE
27 EXPENDED MONEY TO ACQUIRE AND CONSTRUCT SEWAGE TREATMENT PLANTS
28 IN ACCORDANCE WITH THE CLEAN STREAMS PROGRAM AND THE ACT,
29 APPROVED THE TWENTY-SECOND DAY OF JUNE, ONE THOUSAND NINE
30 HUNDRED THIRTY-SEVEN (PAMPHLET LAWS 1987), AND MAKING AN

1 APPROPRIATION, " MAY APPLY FOR AND RECEIVE PAYMENTS UNDER THAT
2 ACT. NO NEW OR ADDITIONAL COSTS OF ACQUISITION OR CONSTRUCTION
3 OF SEWAGE TREATMENT PLANTS FOR WHICH CONSTRUCTION HAS NOT
4 COMMENCED PRIOR TO THE EFFECTIVE DATE OF THIS ACT MAY BE
5 INCLUDED IN A REQUEST FOR PAYMENT BY A MUNICIPALITY, MUNICIPAL
6 AUTHORITY OR SCHOOL DISTRICT. FOR THE PURPOSES OF THIS SECTION,
7 A CONSTRUCTION SHALL BE DEEMED TO HAVE COMMENCED:

8 (1) WHERE THE APPLICANT HAS APPLIED FOR OR RECEIVED A
9 PERMIT PURSUANT TO THE ACT OF JUNE 22, 1937 (P.L.1987,
10 NO.394), KNOWN AS THE CLEAN STREAMS LAW, FOR CONSTRUCTION OR
11 MODIFICATION OF THE SEWAGE TREATMENT PLANT; OR

12 (2) WHERE A CONSTRUCTION PERMIT UNDER THE CLEAN STREAMS
13 LAW IS NOT REQUIRED, A SIGNED CONTRACT OR PURCHASE ORDER FOR
14 AN ELIGIBLE ACQUISITION OR CONSTRUCTION EXPENSE HAS BEEN
15 VALIDLY EXECUTED.

16 SECTION 14. EFFECT OF REPEAL ON SEWAGE CONSTRUCTION PAYMENTS TO
17 MUNICIPALITIES.

18 THE REPEAL OF THE ACT OF AUGUST 20, 1953 (P.L.1217, NO.339),
19 ENTITLED "AN ACT PROVIDING FOR PAYMENTS BY THE COMMONWEALTH TO
20 MUNICIPALITIES WHICH HAVE EXPENDED MONEY TO ACQUIRE AND
21 CONSTRUCT SEWAGE TREATMENT PLANTS IN ACCORDANCE WITH THE CLEAN
22 STREAMS PROGRAM AND THE ACT, APPROVED THE TWENTY-SECOND DAY OF
23 JUNE, ONE THOUSAND NINE HUNDRED THIRTY-SEVEN (PAMPHLET LAWS
24 1987), AND MAKING AN APPROPRIATION," UNDER SECTION 10(B) SHALL
25 NOT AFFECT PAYMENTS BY THE COMMONWEALTH, OR ANY PORTIONS
26 THEREOF, THAT REMAIN OUTSTANDING FOR THE COST OF ACQUISITION OR
27 CONSTRUCTION OF A SEWAGE TREATMENT PLANT BEING FUNDED UNDER THAT
28 ACT.

29 Section ~~12~~ 15. Effective date.

30 This act shall take effect July 1, 1999, or immediately,

1 whichever is later.