

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2777 Session of
2002

INTRODUCED BY SCRIMENTI, WASHINGTON, LAUGHLIN, SHANER, ROEBUCK,
YOUNGBLOOD, JOSEPHS, MELIO, STABACK, BOYES, HORSEY, WALKO,
J. WILLIAMS AND PISTELLA, JUNE 28, 2002

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 28, 2002

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An
2 act creating the Department of Conservation and Natural
3 Resources consisting of certain functions of the Department
4 of Environmental Resources and the Department of Community
5 Affairs; renaming the Department of Environmental Resources
6 as the Department of Environmental Protection; defining the
7 role of the Environmental Quality Board in the Department of
8 Environmental Protection; making changes to responsibilities
9 of the State Conservation Commission and the Department of
10 Agriculture; transferring certain powers and duties to the
11 Department of Health; and repealing inconsistent acts,"
12 further providing for State forests; and making an editorial
13 change.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 302(a)(6) and (b)(11) of the act of June
17 28, 1995 (P.L.89, No.18), known as the Conservation and Natural
18 Resources Act, are amended to read:

19 Section 302. Forests.

20 (a) Acquisition, establishment and disposition.--The
21 department has the following powers and duties with respect to
22 the acquisition, establishment and disposition of State forest

1 lands and certain other Commonwealth-owned resources:

2 * * *

3 (6) Whenever it shall appear that the welfare of this
4 Commonwealth, with reference to reforesting and the
5 betterment of the State forests, with respect to control,
6 scientific management, protection, utilization, development
7 and regulation of their occupancy and use, will be advanced
8 by selling or disposing of any of the timber on the State
9 forests, to dispose of timber on terms most advantageous to
10 this Commonwealth. The department is authorized and directed
11 to set aside, within the State forests, unusual or historical
12 groves of trees or natural features especially worthy of
13 permanent preservation, to make the same accessible and
14 convenient for public use and to dedicate them in perpetuity
15 to the citizens of this Commonwealth for their recreation and
16 enjoyment. The department is hereby empowered to make and
17 execute contracts or leases in the name of the Commonwealth
18 for the mining or removal of any valuable minerals that may
19 be found in State forests, [or of oil and gas beneath those
20 waters of Lake Erie owned by the Commonwealth,] or of oil and
21 gas beneath the land of Woodville State Hospital owned by the
22 Commonwealth, whenever it shall appear to the satisfaction of
23 the department that it would be for the best interests of
24 this Commonwealth to make such disposition of those minerals.
25 Any proposed contracts or leases of valuable minerals
26 exceeding \$1,000 in value shall have been advertised once a
27 week for three weeks, in at least two newspapers published
28 nearest the locality indicated, in advance of awarding such
29 contract or lease. The contracts or leases may then be
30 awarded to the highest and best bidder, who shall give bond

1 for the proper performance of the contract as the department
2 shall designate. However, where the Commonwealth owns a
3 fractional interest in the oil, natural gas and other
4 minerals under State forest lands, the requirement of
5 competitive bidding may be waived, and the department may
6 enter into a contract to lease that fractional interest, with
7 the approval of the Governor, and upon such terms and
8 conditions as the department deems to be in the best interest
9 of this Commonwealth. Notwithstanding the provisions of this
10 or any other law to the contrary, neither the department nor
11 any other agency of the Commonwealth may issue any permit or
12 make any lease to take or remove oil or natural gas from and
13 under the bed of Lake Erie owned by the Commonwealth.

14 * * *

15 (b) Utilization and protection.--The department has the
16 following powers and duties with respect to the utilization and
17 protection of State forest lands:

18 * * *

19 (11) To lease, with the approval of the Governor, and in
20 cooperation with the Department of [Commerce] Community and
21 Economic Development, those State forest lands acquired by
22 gift from Pennsylvania State University or by acquisition
23 from the Curtiss-Wright Corporation which are located at
24 Quehanna, Pennsylvania, or recovered through the termination
25 of a lease with Curtiss-Wright Corporation relating to
26 Quehanna, Pennsylvania, and upon which are erected certain
27 industrial buildings constructed by the Curtiss-Wright
28 Corporation for industrial or economic development purposes
29 or for nuclear reactor safety zone purposes. Such leases may
30 be made with industrial tenants or nonprofit industrial

development corporations. The department in securing tenants shall cooperate fully with the Department of [Commerce] Community and Economic Development. Every such lease entered into shall conform in general to the terms of the standard industrial lease used by the department and approved by the General Counsel and the Attorney General. Every such lease shall otherwise than as in this act prescribed be upon such terms and conditions as the secretary considers in the best interests of this Commonwealth. However, all paved roads through the Quehanna project shall remain open to the general public use. Any such lease may permit the tenant to alter or expand, at its own expense and with the approval of the department first obtained in writing, existing buildings to meet the requirements of its particular industrial operation. Every such lease shall provide for the deposit of industrial floor space rentals and sewage and water rentals in a restricted revenue account from which the department may draw moneys for use in developing, operating and maintaining the water and sewage disposal facilities, and replacing machinery, equipment and fixtures appurtenant thereto, at aforesaid Quehanna. The restricted revenue account shall be audited two years from the effective date of this act and at two-year intervals thereafter, with any residue appearing in the account at the end of each auditing period to be deposited in the General Fund. The department is hereby authorized to indemnify and hold harmless PermaGrain Products, Inc., from and against any and all damages incurred by PermaGrain Products, Inc., related to personal injury or property damage, resulting from radioactive contamination arising exclusively from performance by this Commonwealth or

1 its contractors of the characterization, remediation,
2 decontamination and removal of radioactive materials from
3 contaminated structures on those State forest lands acquired
4 from the Pennsylvania State University or Curtiss-Wright
5 Corporation and located at Quehanna, Pennsylvania.

6 * * *

7 Section 2. This act shall take effect in 60 days.