

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1931 Session of
2003

INTRODUCED BY GEORGE, BEBKO-JONES, CORRIGAN, FABRIZIO, FRANKEL,
GRUCELA, HALUSKA, HARHAI, HERSHEY, HORSEY, KIRKLAND,
LAUGHLIN, LEDERER, McILHATTAN, MELIO, PISTELLA, SCAVELLO,
SHANER, SURRA, TANGRETTI, THOMAS, WANSACZ AND WATERS,
AUGUST 15, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
AUGUST 15, 2003

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 forests.

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

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

18 Section 302. Forests.

19 * * *

20 (b) Utilization and protection.--The department has the
21 following powers and duties with respect to the utilization and

1 protection of State forest lands:

2 * * *

3 (11) To lease, with the approval of the Governor, and in
4 cooperation with the Department of Commerce, those State
5 forest lands acquired by gift from Pennsylvania State
6 University or by acquisition from the Curtiss-Wright
7 Corporation which are located at Quehanna, Pennsylvania, or
8 recovered through the termination of a lease with Curtiss-
9 Wright Corporation relating to Quehanna, Pennsylvania, and
10 upon which are erected certain industrial buildings
11 constructed by the Curtiss-Wright Corporation for industrial
12 or economic development purposes or for nuclear reactor
13 safety zone purposes. Such leases may be made with industrial
14 tenants or nonprofit industrial development corporations. The
15 department in securing tenants shall cooperate fully with the
16 Department of Commerce. Every such lease entered into shall
17 conform in general to the terms of the standard industrial
18 lease used by the department and approved by the General
19 Counsel and the Attorney General. Every such lease shall
20 otherwise than as in this act prescribed be upon such terms
21 and conditions as the secretary considers in the best
22 interests of this Commonwealth. However, all paved roads
23 through the Quehanna project shall remain open to the general
24 public use. Any such lease may permit the tenant to alter or
25 expand, at its own expense and with the approval of the
26 department first obtained in writing, existing buildings to
27 meet the requirements of its particular industrial operation.
28 Every such lease shall provide for the deposit of industrial
29 floor space rentals and sewage and water rentals in a
30 restricted revenue account from which the department may draw

1 moneys for use in developing, operating and maintaining the
2 water and sewage disposal facilities, and replacing
3 machinery, equipment and fixtures appurtenant thereto, at
4 aforesaid Quehanna. The restricted revenue account shall be
5 audited two years from the effective date of this act and at
6 two-year intervals thereafter, with any residue appearing in
7 the account at the end of each auditing period to be
8 deposited in the General Fund. The department is hereby
9 authorized to indemnify and hold harmless PermaGrain
10 Products, Inc., from and against any and all damages incurred
11 by PermaGrain Products, Inc., related to personal injury or
12 property damage, resulting from radioactive contamination
13 arising exclusively from performance by this Commonwealth or
14 its contractors of the characterization, remediation,
15 decontamination and removal of radioactive materials from
16 contaminated structures on those State forest lands acquired
17 from the Pennsylvania State University or Curtiss-Wright
18 Corporation and located at Quehanna, Pennsylvania. The
19 Commonwealth of Pennsylvania is hereby authorized to enter
20 into an agreement whereby they agree to defend, indemnify and
21 hold harmless Prism Enterprises, LLC, and its successors,
22 assigns and affiliates, and their members, managers,
23 shareholders, directors, officers, employees and agents, from
24 and against any and all claims, past, present or future,
25 including, without limitation, any and all personal injury
26 and property claims and damages, arising out of or related in
27 any way to radioactive contamination that existed in Reactor
28 Road Building No. 2 prior to the time Prism acquired an
29 interest in other properties and structures which are also
30 located on those State forest lands which the Commonwealth

1 acquired from the Pennsylvania State University and/or
2 Curtiss-Wright Corporation and located in Quehanna,
3 Pennsylvania.

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