

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1100 Session of
2007

INTRODUCED BY PILEGGI, M. WHITE, MUSTO, ERICKSON, PUNT, VANCE,
GREENLEAF, GORDNER, RHOADES, BOSCOLA, WOZNIAK, MADIGAN,
ROBBINS, CORMAN, BAKER, STOUT, FERLO, WAUGH, D. WHITE, PIPPY
AND BROWNE, OCTOBER 22, 2007

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 4, 2007

AN ACT

1 Providing for the Hazardous Sites Cleanup Fund, for its funding
2 FROM CERTAIN LAPSES AND APPROPRIATION, for expenditures from <—
3 the fund and for audits of the fund; making an appropriation;
4 and making related repeals.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Hazardous
9 Sites Cleanup Fund Funding Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Department." The Department of Environmental Protection of
15 the Commonwealth.

16 "Fund." The Hazardous Sites Cleanup Fund.

17 Section 3. Lapsing of prior legislative appropriations.

1 ~~(a) Determination. Within ten days of the effective date of~~ <—
2 ~~this section, the State Treasurer shall determine the amounts of~~
3 ~~appropriations for the Legislative Department under the general~~
4 ~~appropriation acts for all fiscal periods prior to July 1, 2007,~~
5 ~~which remain unexpended, uncommitted or unencumbered as of the~~
6 ~~effective date of this section.~~

7 ~~(b) Lapses of Legislative Department amounts. Any amounts~~
8 ~~remaining of appropriations for the Legislative Department~~
9 ~~enacted in general appropriation acts prior to July 1, 2004,~~
10 ~~which are unexpended, uncommitted or unencumbered as of the~~
11 ~~effective date of this section are hereby automatically lapsed.~~

12 ~~(c) Lapse of Capitol Centennial Commission amounts. Any~~
13 ~~amounts remaining of appropriations for the Legislative~~
14 ~~Department for the Capitol Centennial Commission which remain~~
15 ~~unexpended, uncommitted or unencumbered as of the effective date~~
16 ~~of this section are hereby automatically lapsed.~~

17 ~~(d) Lapse of certain amounts. Eight and one half percent of~~
18 ~~any amount remaining unexpended, uncommitted or unencumbered in~~
19 ~~each appropriation for the Legislative Department enacted in a~~
20 ~~general appropriation act after June 30, 2004, and prior to July~~
21 ~~1, 2007, is hereby automatically lapsed.~~

22 ~~(e) Actions. The State Treasurer shall take such actions as~~
23 ~~may be necessary to effectuate the lapse of funds provided by~~
24 ~~this section.~~

25 THE MAJORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF <—
26 THE SENATE SHALL DIRECT THE CHIEF CLERK OF THE SENATE TO PREPARE
27 AND PRESENT TO THE STATE TREASURER THE NECESSARY DOCUMENTATION
28 WHICH LAPSES INTO THE GENERAL FUND FOR THE FISCAL YEAR 2007-2008
29 FROM PRIOR FISCAL YEARS' APPROPRIATIONS TO THE SENATE THE SUM OF
30 \$2,500,000 FROM ACCOUNTS UNDER THE CONTROL OF THE MAJORITY

1 LEADER OF THE SENATE AND THE SUM OF \$2,500,000 FROM ACCOUNTS
2 UNDER THE CONTROL OF THE MINORITY LEADER OF THE SENATE. THE
3 MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY
4 LEADER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE
5 COMPTROLLER OF THE HOUSE OF REPRESENTATIVES TO PREPARE AND
6 PRESENT TO THE STATE TREASURER THE NECESSARY DOCUMENTATION WHICH
7 LAPSES INTO THE GENERAL FUND FOR THE FISCAL YEAR 2007-2008 FROM
8 PRIOR FISCAL YEARS' APPROPRIATIONS TO THE HOUSE OF
9 REPRESENTATIVES THE SUM OF \$2,500,000 FROM ACCOUNTS UNDER THE
10 CONTROL OF THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES
11 AND THE SUM OF \$2,500,000 FROM ACCOUNTS UNDER THE CONTROL OF THE
12 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

13 Section 4. Transfer of funds.

14 ~~(a) Transfer for future fiscal years. In fiscal years~~ <—
15 ~~beginning after June 30, 2008, the State Treasurer shall~~
16 ~~transfer \$40,000,000 of the revenues received pursuant to the~~
17 ~~tax imposed under Article VI of the act of March 4, 1971 (P.L.6,~~
18 ~~No.2), known as the Tax Reform Code of 1971, to the fund.~~

19 ~~(b) Transfer.~~ A sum of money equal to the amount lapsed
20 under section 3 shall be transferred to the Hazardous Sites
21 Cleanup Fund by the State Treasurer within 30 days of the
22 effective date of this section.

23 Section 5. ~~Appropriation~~ EXPENDITURES FROM FUND. <—

24 Money deposited in the fund is appropriated upon
25 authorization of the Governor for expenditures by the department
26 for the purposes enumerated in section 902(a) of the act of
27 October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites
28 Cleanup Act.

29 Section 6. Annual report.

30 (a) Submission and posting.--The annual report required

1 under section 902(c) of the act of October 18, 1988 (P.L.756,
2 No.108), known as the Hazardous Sites Cleanup Act, shall be
3 transmitted by the department to the General Assembly no later
4 than August 31 of each year. The annual report may be submitted
5 to the General Assembly via electronic mail. The department
6 shall also publish and maintain the annual report on the
7 department's publicly accessible Internet website.

8 (b) Contents.--In addition to the information required to be
9 submitted under section 902(c) of the Hazardous Sites Cleanup
10 Act, the annual report shall also contain, at a minimum, the
11 following information:

12 (1) The number and a description of the emergency
13 responses initiated by the department and the costs incurred
14 in the aggregate and for each emergency response.

15 (2) The number and nature of violations of the Hazardous
16 Sites Cleanup Act and the amount of fines and penalties
17 assessed, in the aggregate and for each violation.

18 (3) The amount expended for personnel costs.

19 Section 7. Audit.

20 The Department of Auditor General shall annually conduct an
21 audit of the fund and shall submit a copy of the audit to the
22 chairman and the minority chairman of the Environmental
23 Resources and Energy Committee of the Senate and the chairman
24 and minority chairman of the Environmental Resources and Energy
25 Committee of the House of Representatives.

26 SECTION 17. APPROPRIATION.

<—

27 THE SUM OF \$8,000,000 IS HEREBY APPROPRIATED FOR FISCAL YEAR
28 JULY 1, 2007, TO JUNE 30, 2008, FROM THE GENERAL FUND TO THE
29 HAZARDOUS SITES CLEANUP FUND.

30 Section 18. Repeals.

(a) Absolute.--

(1) The General Assembly declares that:

~~(i) the repeal under paragraph (2)(i) is necessary to effectuate section 3; and~~

~~(ii) the repeal under paragraph (2)(i) (2) is necessary to effectuate section 4 5.~~

~~(2) The following acts and parts of acts are repealed:~~

~~(i) Section 602.3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.~~

~~(ii) Section 901(c)(7) of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.~~

(2) SECTION 602.3(B) OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS REPEALED.

(b) Inconsistent.--The act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is repealed to the extent of any inconsistency with this act.

Section 19. Applicability.

(Reserved).

Section 20. Effective date.

This act shall take effect immediately.