

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3

Session of
2005

INTRODUCED BY QUIGLEY, HARPER, ADOLPH, HERSHEY, BUNT, MCGILL, CRAHALLA, CORNELL, RUBLEY, E. Z. TAYLOR, WATSON, SCHRODER, FICHTER, FLICK, GODSHALL, O'NEILL, PETRI, WRIGHT, HENNESSEY, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN, BOYD, BROWNE, CALTAGIRONE, CAPPELLI, CIVERA, DALLY, J. EVANS, FAIRCHILD, FEESE, FLEAGLE, GANNON, GEIST, GILLESPIE, GINGRICH, GOOD, HARHART, HASAY, HERMAN, HICKERNELL, M. KELLER, KENNEY, KILLION, MAHER, R. MILLER, MUSTIO, PYLE, RAYMOND, REICHLEY, ROSS, SATHER, SAYLOR, SCAVELLO, S. H. SMITH, STERN, THOMAS, TRUE, YOUNGBLOOD, MICOZZIE, HESS AND T. STEVENSON, FEBRUARY 3, 2005

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JULY 6, 2005

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions; <—
3 ~~establishing the Environmental Endowment Account and the~~
4 ~~Environmental Stewardship Sinking Fund; continuing the~~
5 ~~Hazardous Sites Cleanup Fund; further providing for agencies;~~
6 ~~providing for intergovernmental coordination, for evaluation~~
7 ~~of applications and for extension of fees; authorizing~~
8 ~~incurring of indebtedness, sale of bonds, temporary financing~~
9 ~~and debt retirement; providing for certification and~~
10 ~~publication of certification; further providing for deposit~~
11 ~~of disposal fees, for sunset and for adjustments; and making~~
12 ~~a repeal.~~ DEFINITIONS, FOR ALLOCATION OF ENVIRONMENTAL <—
13 STEWARDSHIP FUND AND FOR ADMINISTRATIVE EXPENSES; DELETING
14 PROVISIONS RELATING TO ENVIRONMENTAL INFRASTRUCTURE GRANTS;
15 PROVIDING FOR FEE DEPOSITS; AUTHORIZING INDEBTEDNESS FOR
16 ENVIRONMENTAL INITIATIVES; AUTHORIZING SALE OF BONDS,
17 TEMPORARY FINANCING AND DEBT RETIREMENT; FURTHER PROVIDING
18 FOR DISPOSAL FEE FOR MUNICIPAL WASTE LANDFILLS AND DEPOSIT OF
19 DISPOSAL FEE; DELETING CERTAIN SUNSET PROVISIONS; AND MAKING
20 A REPEAL RELATING TO THE HAZARDOUS SITES CLEANUP FUND.

21 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. The definition of "departments" in section 6103~~ <—
3 ~~of Title 27 of the Pennsylvania Consolidated Statutes is amended~~
4 ~~and the section is amended by adding definitions to read:~~

5 ~~§ 6103. Definitions.~~

6 ~~The following words and phrases when used in this chapter~~
7 ~~shall have the meanings given to them in this section unless the~~
8 ~~context clearly indicates otherwise:~~

9 * * *

10 ~~"Agricultural Conservation Easement Purchase Fund." The~~
11 ~~Agricultural Conservation Easement Purchase Fund established in~~
12 ~~the act of June 30, 1981 (P.L.128, No.43), known as the~~
13 ~~Agricultural Area Security Law.~~

14 * * *

15 ~~"Capital Facilities Debt Enabling Act." The act of February~~
16 ~~9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt~~
17 ~~Enabling Act.~~

18 ~~"Departments." The [Department of Agriculture, the]~~
19 ~~Department of Conservation and Natural Resources and the~~
20 ~~Department of Environmental Protection of the Commonwealth.~~

21 * * *

22 ~~"Environmental Endowment Account." The Environmental~~
23 ~~Endowment Account established in section 6104.1 (relating to~~
24 ~~funds and accounts).~~

25 ~~"Environmental Stewardship Sinking Fund." The Environmental~~
26 ~~Stewardship Sinking Fund established in section 6104.1 (relating~~
27 ~~to funds and accounts).~~

28 * * *

29 ~~"Green PA Bond Act." The act of _____, 2005 (P.L. _____, No.~~
30 ~~_____), known as the Green PA Bond Act.~~

1 ~~"Hazardous Sites Cleanup Fund." The Hazardous Sites Cleanup~~
2 ~~Fund established in section 6104.1(c) (relating to funds and~~
3 ~~accounts).~~

4 * * *

5 ~~"Issuing officials." The Governor, the Auditor General and~~
6 ~~the State Treasurer.~~

7 * * *

8 Section 2. ~~Section 6104 of Title 27 is amended to read:~~

9 ~~§ 6104. Fund.~~

10 ~~(a) Establishment. There is established a special fund in~~
11 ~~the State Treasury, to be known as the Environmental Stewardship~~
12 ~~Fund.~~

13 ~~[(b) Sources.—~~

14 ~~(1) Money appropriated by the General Assembly, interest~~
15 ~~earned by the fund, penalties, money received from the~~
16 ~~Federal Government or other sources and money received from~~
17 ~~the fee established under section 6112(b) (relating to~~
18 ~~extension of fees) shall be deposited in the fund. Moneys~~
19 ~~appropriated by the General Assembly to the fund shall be~~
20 ~~transferred on a quarterly basis in increments of at least~~
21 ~~20%.~~

22 ~~(2) For fiscal years 1999 2000 through 2003 2004, the~~
23 ~~fund may receive money, upon approval of the Governor, from~~
24 ~~the Recycling Fund and the Hazardous Sites Cleanup Fund. The~~
25 ~~combined total of appropriations from these two funds for the~~
26 ~~program shall not exceed \$30,000,000 annually.~~

27 ~~(3) It is the intent of the General Assembly that~~
28 ~~\$100,000,000 per fiscal year be appropriated from the General~~
29 ~~Fund for fiscal years 2000 2001 through 2003 2004 to the~~
30 ~~fund. The Governor's annual budget submission for fiscal~~

1 ~~years 2000 2001 through 2003 2004 shall include the sum of~~
2 ~~\$100,000,000 per fiscal year for allocation in accordance~~
3 ~~with this section.~~

4 ~~(c) Appropriation. The money in the fund is hereby~~
5 ~~appropriated, upon approval of the Governor, to the departments~~
6 ~~and the authority for the purpose of implementing the provisions~~
7 ~~of this chapter.]~~

8 ~~(b.1) Sources. The following shall be credited by the~~
9 ~~Treasury Department to the fund:~~

10 ~~(1) Proceeds from the sale of the bonds issued in~~
11 ~~accordance with the Green PA Bond Act and section 6114(a)~~
12 ~~(relating to Commonwealth indebtedness).~~

13 ~~(2) Money received from the Federal Government or other~~
14 ~~sources.~~

15 ~~(3) Any money that may be appropriated by the General~~
16 ~~Assembly.~~

17 ~~(d) Allocation[. It is the intent of the General Assembly~~
18 ~~that the money appropriated in subsection (c) be allocated~~
19 ~~annually] and appropriation. Money in the fund is hereby~~
20 ~~appropriated on a continuing basis as follows:~~

21 ~~(1) For fiscal year 1999 2000, 28.4% to the Department~~
22 ~~of Conservation and Natural Resources, 43.7% to the~~
23 ~~Department of Environmental Protection and 27.9% to the~~
24 ~~authority.~~

25 ~~(2) For fiscal years 2000 2001 through 2003 2004, 24.1%~~
26 ~~to the Department of Conservation and Natural Resources,~~
27 ~~37.4% to the Department of Environmental Protection, 14.8% to~~
28 ~~the Department of Agriculture and 23.7% to the authority.~~

29 ~~(3) For fiscal year 2004 2005 [and each year~~
30 ~~thereafter], moneys in the fund shall be allocated in~~

1 ~~accordance with paragraph (1).~~

2 ~~(4) For fiscal year 2005-2006 and each fiscal year~~
3 ~~thereafter, 31.3% to the Department of Conservation and~~
4 ~~Natural Resources, 43.7% to the Department of Environmental~~
5 ~~Protection, and 25% to the authority.~~

6 ~~(c) Legislative oversight.—~~

7 ~~(1) An annual expenditure plan for the fund shall be~~
8 ~~submitted by the Governor to the General Assembly as part of~~
9 ~~the Governor's annual budget submission. The expenditure plan~~
10 ~~shall be open for review and comment by the members of the~~
11 ~~General Assembly and shall include a detailed listing of the~~
12 ~~types of programs for the actual year, current year and~~
13 ~~proposed budget year.~~

14 ~~(2) The Secretary of the Budget shall provide quarterly~~
15 ~~financial statements showing the status of the Recycling~~
16 ~~Fund, the Hazardous Sites Cleanup Fund [and], the~~
17 ~~Environmental Stewardship Fund and the Environmental~~
18 ~~Stewardship Sinking Fund to the [chairman] chairperson and~~
19 ~~minority [chairman] chairperson of the Appropriations~~
20 ~~Committee of the Senate and the [chairman] chairperson and~~
21 ~~minority [chairman] chairperson of the Appropriations~~
22 ~~Committee of the House of Representatives. Such statements~~
23 ~~shall be provided within 30 days of the close of each quarter~~
24 ~~of the fiscal year and shall commence with the quarter ending~~
25 ~~March 31, 2000.~~

26 ~~(3) The Secretary of Environmental Protection, the~~
27 ~~Secretary of Conservation and Natural Resources and the~~
28 ~~Director of the Pennsylvania Infrastructure Investment~~
29 ~~Authority shall each submit a report no later than September~~
30 ~~15, 2006, and each September 15 thereafter, to the~~

~~chairperson and minority chairperson of the Environmental Resources and Energy Committee of the Senate and to the chairperson and minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives for the prior fiscal year. Each report shall include all of the following:~~

~~(i) A detailed list of all grants and loans awarded or made with funds received under this chapter.~~

~~(ii) A description of each project which received a grant or loan awarded or made with funds received under this chapter.~~

~~(iii) A description of the source of each local match for each project which received a grant or loan awarded or made with funds received under this chapter.~~

~~(iv) The environmental impact of each project which received a grant or loan awarded or made with funds received under this chapter.~~

~~(v) Any other information the secretary or director deems necessary or useful for the committee to assess the environmental impact of a grant or loan.~~

~~Section 3. Title 27 is amended by adding a section to read:~~

~~§ 6104.1. Funds and accounts.~~

~~(a) Environmental Stewardship Sinking Fund. There is established a special fund to be known as the Environmental Stewardship Sinking Fund. The Environmental Stewardship Sinking Fund shall be used to make principal and interest payments under section 6114(d) (relating to Commonwealth indebtedness).~~

~~(b) Environmental Endowment Account.—~~

~~(1) There is established within the fund a restricted account to be known as the Environmental Endowment Account.~~

~~The following shall be deposited in the Environmental Endowment Account:~~

~~(i) Interest earned on the fund.~~

~~(ii) Ninety percent of any excess money in the Environmental Stewardship Sinking Fund balance as certified in accordance with section 6115 (relating to certifications). Twenty five percent of any money deposited under this subparagraph shall be used for providing grants to counties, municipalities, county conservation districts, watershed organizations or other authorized organizations, for ongoing operation and maintenance costs directly related to maintaining abandoned mine water discharge cleanup projects.~~

~~(iii) Penalties and fees imposed by the Department of Environmental Protection and Department of Conservation and Natural Resources under this chapter or Chapter 63 (relating to disposal fee).~~

~~(2) Money held or deposited in the Environmental Endowment Account may be invested or reinvested by the State Treasurer as are other funds in the custody of the State Treasurer in the manner provided by law. Any proceeds from the investment of the Environmental Endowment Account shall be credited by the Treasury Department to the Environmental Endowment Account.~~

~~(3) Beginning in fiscal year 2007-2008, whenever the Governor determines that money from the Environmental Endowment Account is necessary to meet the environmental needs of the citizens of this Commonwealth, he shall present a request for an appropriation along with the specifics of his proposal and such suggested ancillary and substantive~~

~~legislation as may be necessary to the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriation Committee of the House of Representatives. The proposal may include a request for operation and maintenance costs related to abandoned mine water discharge projects. The General Assembly may then, through approval of a separate appropriation bill by a vote of two thirds of the members elected to the Senate and the House of Representatives, appropriate money from the Environmental Endowment Account to meet the needs identified in the Governor's proposal. Any money appropriated according to this section which then lapsed shall be returned to the Environmental Endowment Account.~~

~~(c) Hazardous Sites Cleanup Fund. There is established a special fund to be known as the Hazardous Sites Cleanup Fund.~~

~~Section 4. Sections 6105 and 6112 of Title 27 are amended to read:~~

~~§ 6105. Agencies.~~

~~(a) The Department of Conservation and Natural Resources.—~~

~~(1) The Department of Conservation and Natural Resources shall utilize money it receives from the fund for the following purposes:~~

~~(i) To rehabilitate, repair and develop State park and State forest lands and facilities and the acquisition of interior lands within State parks and State forests.~~

~~(ii) To provide grants to a county [or other],
municipality, conservation [districts and] district or
authorized [organizations] organization for open space
preservation. Grants provided under this subparagraph may
be used for the purpose of land use planning, education,~~

1 ~~acquisition, development, rehabilitation and repair of~~
2 ~~greenways, recreational trails, [open space,] natural~~
3 ~~areas, river corridors, watersheds, community and~~
4 ~~heritage parks and recreation facilities; community~~
5 ~~conservation and beautification projects; forest~~
6 ~~conservation; and other conservation purposes. Grants~~
7 ~~under this paragraph may not be used by an authorized~~
8 ~~organization for land acquisition unless the authorized~~
9 ~~organization obtains the approval of all counties in~~
10 ~~which the land is situated. [Grant moneys may also be~~
11 ~~used for the acquisition of farmland for the purposes set~~
12 ~~forth in this paragraph.]~~

13 ~~(iii) To provide grants to a county [or other],~~
14 ~~municipality [and] or authorized [organizations]~~
15 ~~organization for the purpose of research, planning,~~
16 ~~inventories and technical assistance intended to protect~~
17 ~~and conserve the biological diversity of this~~
18 ~~Commonwealth.~~

19 ~~(2) The Department of Conservation and Natural Resources~~
20 ~~may require matching funds in an amount equal to at least 10%~~
21 ~~of the total project cost. Additional local match~~
22 ~~requirements may be established by the departments as a~~
23 ~~condition of the award of a grant under this subsection. As~~
24 ~~used in this paragraph, the term "matching funds" shall~~
25 ~~include all of the following:~~

- 26 ~~(i) Personnel and maintenance costs.~~
- 27 ~~(ii) Outreach activities.~~
- 28 ~~(iii) Land and other in kind contributions.~~

29 ~~(3) For fiscal year 2005-2006, and each fiscal year~~
30 ~~thereafter, the Department of Conservation and Natural~~

1 ~~Resources shall use a minimum of \$15,000,000 of the money it~~
2 ~~receives pursuant to this chapter for grants for open space~~
3 ~~preservation under paragraph (1)(ii).~~

4 ~~(b) The Department of Environmental Protection.—~~

5 ~~(1) The Department of Environmental Protection shall~~
6 ~~utilize money it receives from the fund for the following~~
7 ~~purposes:~~

8 ~~(i) To implement acid mine drainage abatement [and~~
9 ~~cleanup efforts and plug abandoned and orphan oil and gas~~
10 ~~wells], mine cleanup efforts and funding for abandoned~~
11 ~~mine reclamation.~~

12 ~~(ii) To provide funding for technical assistance and~~
13 ~~financial incentives to facilitate reining.~~

14 ~~(iii) To provide grants to a county [or other],~~
15 ~~municipality, county conservation [districts] district,~~
16 ~~watershed [organizations and] organization or other~~
17 ~~authorized [organizations] organization for acid mine~~
18 ~~drainage abatement, mine cleanup efforts and [well~~
19 ~~plugging] abandoned mine reclamation.~~

20 ~~(iv) To provide grants and technical assistance to a~~
21 ~~county [or other], municipality, county conservation~~
22 ~~[districts] district, watershed [organizations and]~~
23 ~~organization or other authorized [organizations]~~
24 ~~organization to plan and implement local watershed based~~
25 ~~conservation efforts.~~

26 ~~(v) To improve water quality impaired watersheds,~~
27 ~~including those polluted by past mining activities,~~
28 ~~agricultural and urban runoff, atmospheric deposition,~~
29 ~~on lot sewage systems and earthmoving activities.~~

30 ~~(vi) To provide grants for safe drinking water~~

1 ~~projects and wastewater treatment projects as provided~~
2 ~~for in section 6110 (relating to environmental~~
3 ~~infrastructure grants to water and wastewater treatment~~
4 ~~facilities).~~

5 ~~(vii) To plug abandoned and orphan oil and gas~~
6 ~~wells.~~

7 ~~(viii) To provide grants to a county, municipality,~~
8 ~~county conservation district, watershed organization or~~
9 ~~other authorized organization for well plugging.~~

10 ~~(2) County conservation districts may further distribute~~
11 ~~grants received under this section to watershed organizations~~
12 ~~and other authorized organizations to assist in the~~
13 ~~implementation of this chapter.~~

14 ~~(3) The Department of Environmental Protection may~~
15 ~~require matching funds in an amount equal to at least 10% of~~
16 ~~the total project cost. Additional local match requirements~~
17 ~~may be established by the departments as a condition of the~~
18 ~~award of a grant under this subsection.~~

19 ~~[(4) For the period commencing with the effective date~~
20 ~~of this chapter and ending June 30, 2004, the Department of~~
21 ~~Environmental Protection may utilize up to 10% of the money~~
22 ~~allocated annually to it under section 6104(d) (relating to~~
23 ~~fund) to provide grants for safe drinking water projects and~~
24 ~~wastewater treatment projects. Grants under this paragraph~~
25 ~~shall be made for the same purposes and shall be subject to~~
26 ~~the same limitations as grants authorized in section 6110.]~~
27 ~~As used in this paragraph, the term "matching funds" shall~~
28 ~~include all of the following:~~

29 ~~(i) Personnel and maintenance costs.~~

30 ~~(ii) Outreach activities.~~

1 ~~(iii) Land and other in kind contributions.~~

2 ~~(5) For fiscal year 2005-2006, and each year thereafter,~~
3 ~~the Department of Environmental Protection shall use a~~
4 ~~minimum of \$39,000,000 of the money it receives pursuant to~~
5 ~~this chapter for Commonwealth efforts or grants for acid mine~~
6 ~~drainage abatement, mine cleanup and abandoned mine~~
7 ~~reclamation under paragraph (1)(i) and (iii).~~

8 ~~[(c) Department of Agriculture. Funds allocated to the~~
9 ~~Department of Agriculture under this chapter shall be deposited~~
10 ~~in the Agricultural Conservation Easement Purchase Fund and are~~
11 ~~subject to the provisions of the act of June 30, 1981 (P.L.128,~~
12 ~~No.43), known as the Agricultural Area Security Law.]~~

13 ~~(d) The authority. The authority shall utilize money it~~
14 ~~receives from the fund to provide financial assistance in the~~
15 ~~form of grants and matching grants for storm water, water and~~
16 ~~sewer infrastructure projects, including construction or~~
17 ~~rehabilitation of collection and conveyance systems. The~~
18 ~~authority shall develop criteria to be used to award grants~~
19 ~~under this subsection. The criteria and proposed changes thereto~~
20 ~~shall be submitted to the Environmental Resources and Energy~~
21 ~~Committee of the Senate and the Environmental Resources and~~
22 ~~Energy Committee of the House of Representatives for review and~~
23 ~~comment. The committees shall have 60 days to submit comments to~~
24 ~~the authority. Criteria shall be reviewed by the authority and~~
25 ~~the committees at least once every three years.~~

26 ~~(e) Administrative expense limitation. The departments,~~
27 ~~authority and grant recipients that receive moneys from the fund~~
28 ~~for the purposes set forth in this section may not expend more~~
29 ~~than 2% of the moneys on administrative expenses.~~

30 ~~(f) Expenditure [limitation.] limitations.~~

~~(1) No moneys made available through the fund shall be used for any purpose which, directly or indirectly, precludes access to or use of any forested land for the practice of sustainable forestry and commercial production of timber or other forest products. This [subsection] paragraph shall not apply to funds used by the Department of Conservation and Natural Resources, counties or municipalities for the purchase or improvement of park land to be used for public recreation.~~

~~(2) No moneys made available through the fund shall be used to purchase supplies or construction as those terms are used in 62 Pa.C.S. § 103 (relating to definitions) unless the purchase is made under 62 Pa.C.S. § 512 (relating to competitive sealed bidding).~~

~~(g) Regulations. The departments and the authority may promulgate regulations necessary to carry out the purposes of this chapter.~~

~~(h) Intergovernmental coordination. Prior to providing a grant or loan with money received pursuant to this chapter, an agency shall ensure that the project is generally consistent with the county comprehensive plan and any applicable municipal plan.~~

~~(i) Evaluation of applications. In reviewing applications, the departments and the authority shall give priority consideration to applications which maximize the ratio of environmental benefit received when compared to dollars spent. Approved projects must be eligible for tax exempt bond funding.~~

~~§ 6112. Extension of fees.~~

~~(b) Fee established. Each operator of a municipal waste landfill shall pay, in the same manner prescribed in section 701~~

1 ~~of the Municipal Waste Planning, Recycling and Waste Reduction~~
2 ~~Act, an amount equal to 25¢ per ton of weighted waste or 25¢ per~~
3 ~~three cubic yards of volume measured waste for all solid waste~~
4 ~~received at the landfill. These fees shall be paid to the State~~
5 ~~Treasury and deposited into the fund. For fiscal year 2005-2006~~
6 ~~and each fiscal year thereafter, these fees shall be deposited~~
7 ~~into the Agricultural Conservation Easement Purchase Fund.~~

8 Section 5. Title 27 is amended by adding sections to read:
9 ~~§ 6114. Commonwealth indebtedness.~~

10 ~~(a) Borrowing authorized.~~

11 ~~(1) Pursuant to section 7(a)(3) of Article VIII of the~~
12 ~~Constitution of Pennsylvania and the referendum authorized by~~
13 ~~the Green PA Bond Act and approved by the electorate, the~~
14 ~~issuing officials are authorized and directed to borrow, on~~
15 ~~the credit of the Commonwealth, money not exceeding in the~~
16 ~~aggregate the sum of \$800,000,000, in annual increments not~~
17 ~~to exceed \$115,000,000, not including money borrowed to~~
18 ~~refund outstanding bonds, notes or replacement notes as may~~
19 ~~be found necessary to carry out the purposes of this chapter.~~

20 ~~(2) All bonds and notes issued under this chapter shall~~
21 ~~be:~~

22 ~~(i) exempt from taxation for State and local~~
23 ~~purposes; and~~

24 ~~(ii) eligible for tax exempt bond funding status~~
25 ~~under existing Federal law.~~

26 ~~(3) Borrowing authorized under paragraph (1) shall be~~
27 ~~made in accordance with the procedures specified in sections~~
28 ~~307 and 308 of the act of February 9, 1999 (P.L.1, No.1),~~
29 ~~known as the Capital Facilities Debt Enabling Act, as of the~~
30 ~~effective date of this paragraph.~~

1 ~~(b) Sale of bonds.~~

2 ~~(1) All sales of the bonds shall be made in accordance~~
3 ~~with procedures specified in section 309 of the Capital~~
4 ~~Facilities Debt Enabling Act, as of the effective date of~~
5 ~~this paragraph.~~

6 ~~(2) The proceeds realized from the sale of bonds and~~
7 ~~notes except refunding bonds and replacement notes under this~~
8 ~~chapter shall be paid into the fund and are specifically~~
9 ~~dedicated to the purposes of this chapter. The proceeds shall~~
10 ~~be paid by the State Treasurer to the departments in~~
11 ~~accordance with the allocations specified in section~~
12 ~~6104(d)(4) (relating to fund). The proceeds of the sale of~~
13 ~~refunding bonds and replacement notes shall be paid to the~~
14 ~~State Treasurer and applied to the payment of principal, and~~
15 ~~any accrued interest and premium, and cost of redemption, of~~
16 ~~the bonds and notes for which the obligations have been~~
17 ~~issued.~~

18 ~~(3) Pending their application for the purposes~~
19 ~~authorized, money held or deposited by the State Treasurer~~
20 ~~may be invested or reinvested as are other funds in the~~
21 ~~custody of the State Treasurer in the manner provided by law.~~
22 ~~All earnings received from the investment or deposit of the~~
23 ~~funds shall be paid into the fund and credited to the~~
24 ~~Environmental Endowment Account.~~

25 ~~(4) The Auditor General shall prepare the necessary~~
26 ~~registry book to be kept in the office of the authorized loan~~
27 ~~and transfer agent of the Commonwealth for the registration~~
28 ~~of bonds, at the request of owners of the bonds, according to~~
29 ~~the terms and conditions of issue directed by the issuing~~
30 ~~officials.~~

1 ~~(5) There is hereby appropriated to the State Treasurer~~
2 ~~from the fund as much money as may be necessary for all costs~~
3 ~~and expenses in connection with the issue and sale and~~
4 ~~registration of the bonds and notes in connection with this~~
5 ~~chapter and the payment of interest arbitrage rebates.~~

6 ~~(c) Temporary financing authorization.—~~

7 ~~(1) Pending the issuance of bonds of this Commonwealth~~
8 ~~as authorized, the issuing officials are authorized, in~~
9 ~~accordance with this chapter and on the credit of this~~
10 ~~Commonwealth, to make temporary borrowings not to exceed one~~
11 ~~year in anticipation of the issue of bonds in order to~~
12 ~~provide funds in amounts as deemed advisable prior to the~~
13 ~~issue of bonds. In order to provide for and in connection~~
14 ~~with any temporary borrowing, the issuing officials are~~
15 ~~authorized in the name and on behalf of the Commonwealth to~~
16 ~~enter into purchase, loan or credit agreements or other~~
17 ~~agreement with any bank or trust company, other lending~~
18 ~~institution, investment banking firm or person in the United~~
19 ~~States having power to enter into the agreement. The~~
20 ~~agreement may contain provisions not inconsistent with this~~
21 ~~chapter as authorized by the issuing officials.~~

22 ~~(2) Temporary borrowings made under this subsection~~
23 ~~shall be made in accordance with the provisions of section~~
24 ~~306(b), (c) and (d) of the Capital Facilities Debt Enabling~~
25 ~~Act as of the effective date of this paragraph.~~

26 ~~(3) Outstanding notes evidencing the borrowings may be~~
27 ~~funded and retired by the issuance and sale of the bonds of~~
28 ~~this Commonwealth as authorized in this paragraph. The~~
29 ~~refunding bonds shall be issued and sold not later than a~~
30 ~~date one year after the date of issuance of the first notes~~

1 ~~evidencing the borrowing to the extent that payment of the~~
2 ~~notes has not otherwise been made or provided for by sources~~
3 ~~other than proceeds of replacement notes.~~

4 ~~(4) The proceeds of all temporary borrowing shall be~~
5 ~~paid to the State Treasurer to be held and disposed of in~~
6 ~~accordance with this chapter.~~

7 ~~(d) Debt retirement.~~

8 ~~(1) All bonds issued under the authority of this chapter~~
9 ~~shall be redeemed at maturity, together with all interest~~
10 ~~due. Principal and interest payments shall be paid from the~~
11 ~~Environmental Stewardship Sinking Fund. For the specific~~
12 ~~purpose of redeeming the bonds at maturity and paying all~~
13 ~~interest on the bonds in accordance with the information~~
14 ~~received from the Governor, the General Assembly shall~~
15 ~~annually appropriate money from the Environmental Stewardship~~
16 ~~Sinking Fund for the payment of interest on the bonds and~~
17 ~~notes and the principal of the bonds and notes at maturity.~~
18 ~~All money in the Environmental Stewardship Sinking Fund and~~
19 ~~all of the money not necessary to pay accruing interest shall~~
20 ~~be invested by the State Treasurer in securities as are~~
21 ~~provided by law for the investment of the sinking funds of~~
22 ~~the Commonwealth.~~

23 ~~(2) The State Treasurer shall annually determine and~~
24 ~~report to the Secretary of the Budget by November 1:~~

25 ~~(i) the amount of money necessary for the payment of~~
26 ~~interest on outstanding obligations;~~

27 ~~(ii) the principal of the obligations for the~~
28 ~~following fiscal year; and~~

29 ~~(iii) the times and amounts of the payments.~~

30 ~~(3) The Governor shall include in every budget submitted~~

1 ~~to the General Assembly full information relating to:~~

2 ~~(i) the issuance of bonds and notes under this~~
3 ~~chapter;~~

4 ~~(ii) the status of the fund and the Environmental~~
5 ~~Stewardship Sinking Fund; and~~

6 ~~(iii) the payment of principal of and interest on~~
7 ~~the bonds and notes at maturity.~~

8 ~~§ 6115. Certifications.~~

9 ~~(a) General rule. Beginning June 30, 2006, and annually~~
10 ~~thereafter, the Secretary of the Budget shall certify to the~~
11 ~~chairpersons of the Appropriations Committee of the Senate and~~
12 ~~the chairpersons of the Appropriations Committee of the House of~~
13 ~~Representatives any excess Environmental Stewardship Sinking~~
14 ~~Fund balance for the current and future fiscal years. The excess~~
15 ~~fund balance shall be calculated by subtracting the total actual~~
16 ~~debt service on currently outstanding Green PA bonds plus~~
17 ~~projected debt service on remaining Green PA bonds authorized~~
18 ~~but not issued, from the current balance of the Environmental~~
19 ~~Stewardship Sinking Fund plus anticipated Environmental~~
20 ~~Stewardship Sinking Fund revenues deposited in accordance with~~
21 ~~section 6302 (relating to deposit of disposal fee).~~

22 ~~(b) Additional indebtedness. Beginning with fiscal year~~
23 ~~2006-2007 and each fiscal year thereafter, prior to the issuing~~
24 ~~officials incurring additional indebtedness under section 6114~~
25 ~~(relating to Commonwealth indebtedness), the Secretary of the~~
26 ~~Budget shall certify to the chairperson of the Appropriations~~
27 ~~Committee of the Senate and the chairperson of the~~
28 ~~Appropriations Committee of the House of Representatives whether~~
29 ~~sufficient money will exist in the Environmental Stewardship~~
30 ~~Sinking Fund to pay the principal of and interest on the~~

1 ~~existing indebtedness and proposed additional indebtedness,~~
2 ~~incurred and to be incurred by the Commonwealth under section~~
3 ~~6114. If the Secretary of the Budget certifies that sufficient~~
4 ~~money will exist in the Environmental Stewardship Sinking Fund~~
5 ~~to pay the principal of and interest on the existing~~
6 ~~indebtedness and the proposed additional indebtedness, the~~
7 ~~issuing officials may, upon publication of the certification~~
8 ~~under subsection (a), incur the additional indebtedness in~~
9 ~~accordance with section 6114. If the Secretary of the Budget~~
10 ~~certifies that sufficient money will not exist in the~~
11 ~~Environmental Stewardship Sinking Fund to pay the principal of~~
12 ~~and interest on the existing indebtedness and the proposed~~
13 ~~additional indebtedness, the issuing officials may not incur the~~
14 ~~additional indebtedness. Upon a publication of a certification~~
15 ~~to the chairperson of the Appropriations Committee of the Senate~~
16 ~~and the chairperson of the Appropriations Committee of the House~~
17 ~~of Representatives that sufficient money will exist, the issuing~~
18 ~~officials may incur additional indebtedness in accordance with~~
19 ~~section 6114.~~

20 ~~(c) Publication. The Secretary of the Budget shall transmit~~
21 ~~notice of the certifications to the Legislative Reference Bureau~~
22 ~~for publication in the Pennsylvania Bulletin.~~

23 ~~Section 6. Sections 6302, 6304 and 6306 of Title 27 are~~
24 ~~amended to read:~~

25 ~~§ 6302. Deposit of disposal fee.~~

26 ~~(1) For the fiscal year 2002-2003, fees received by the~~
27 ~~department pursuant to section 6301 (relating to disposal fee~~
28 ~~for municipal waste landfills) shall be paid into the State~~
29 ~~Treasury as follows:~~

30 ~~(i) The first \$50,000,000 in fees collected shall be~~

1 ~~deposited into the Environmental Stewardship Fund~~
2 ~~established in Chapter 61 (relating to environmental~~
3 ~~stewardship and watershed protection).~~

4 ~~(ii) Any fees collected thereafter shall be~~
5 ~~deposited in the General Fund.~~

6 ~~(2) For the fiscal [year 2003-2004 and beyond] years~~
7 ~~2003-2004 and 2004-2005, all fees collected shall be~~
8 ~~deposited into the Environmental Stewardship Fund established~~
9 ~~in Chapter 61.~~

10 ~~(3) For fiscal year 2005-2006 and each fiscal year~~
11 ~~thereafter, fees received by the Commonwealth under section~~
12 ~~6301 shall be deposited as follows:~~

13 ~~(i) \$2.50 per ton shall be deposited into the~~
14 ~~Environmental Stewardship Sinking Fund.~~

15 ~~(ii) \$1.25 per ton shall be deposited into the~~
16 ~~Hazardous Sites Cleanup Fund.~~

17 ~~(iii) 25¢ per ton shall be deposited into the~~
18 ~~Agricultural Conservation Easement Purchase Fund.~~

19 ~~§ 6304. Sunset.~~

20 ~~No fee or surcharge shall be imposed under this chapter on~~
21 ~~and after July 1, 2012.~~

22 ~~§ 6306. Adjustments.~~

23 ~~When the Governor's proposed budget for the upcoming fiscal~~
24 ~~year, as submitted pursuant to section 12 of Article VIII of the~~
25 ~~Constitution of Pennsylvania, contains a revision to the revenue~~
26 ~~estimate for the current year of at least 3% less than the~~
27 ~~official revenue estimate for the current year, the funds~~
28 ~~deposited pursuant to section 6302(2) (relating to deposit of~~
29 ~~disposal fee) may be adjusted by transferring or redirecting up~~
30 ~~to 25% of these deposits to the General Fund.]~~

1 ~~Section 7. Section 602.3 of the act of March 4, 1971 (P.L.6,~~
2 ~~No.2), known as the Tax Reform Code of 1971, is repealed.~~

3 ~~Section 8. Section 6104.1(c) of Title 27 is a continuation~~
4 ~~of the former section 602.3(a) of the act of March 4, 1971~~
5 ~~(P.L.6, No.2), known as the Tax Reform Code of 1971.~~

6 ~~Section 9. If the electorate ratifies the question under the~~
7 ~~act of 2005 (P.L. , No.), known as the Green PA Bond Act, the~~
8 ~~Secretary of the Commonwealth shall immediately transmit notice~~
9 ~~of the ratification to the Legislative Reference Bureau for~~
10 ~~publication in the Pennsylvania Bulletin.~~

11 ~~Section 10. This act shall take effect as follows:~~

12 ~~(1) The following provisions shall take effect~~
13 ~~immediately:~~

14 ~~(i) Section 9 of this act.~~

15 ~~(ii) This section.~~

16 ~~(2) The remainder of this act shall take effect upon~~
17 ~~publication of the notice under section 9 of this act.~~

18 SECTION 1. SECTION 6103 OF TITLE 27 OF THE PENNSYLVANIA <—
19 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
20 § 6103. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 * * *

25 "BOND FUND." THE GROWING GREENER BOND FUND ESTABLISHED UNDER
26 SECTION 6116 (RELATING TO ESTABLISHMENT OF BOND FUND AND
27 ALLOCATION AND USE OF BOND PROCEEDS).

28 * * *

29 "GEOLOGICAL HAZARD." A NATURALLY OCCURRING OR MANMADE
30 GEOLOGIC CONDITION OR PHENOMENON THAT PRESENTS A RISK OR IS A

1 POTENTIAL DANGER TO LIFE AND PROPERTY. THE TERM INCLUDES, BUT IS
2 NOT LIMITED TO, LANDSLIDE, AVALANCHE, GROUND SUBSIDENCE AND
3 COASTAL AND BEACH EROSION.

4 "GROWING GREENER BOND REFERENDUM." THE REFERENDUM AUTHORIZED
5 UNDER THE ACT OF APRIL 13, 2005 (P.L.1, NO.1), KNOWN AS THE
6 GROWING GREENER ENVIRONMENTAL STEWARDSHIP AND WATERSHED
7 PROTECTION ENHANCEMENT AUTHORIZATION ACT, AND APPROVED BY THE
8 ELECTORATE AUTHORIZING THE COMMONWEALTH TO INCUR INDEBTEDNESS OF
9 UP TO \$625,000,000 FOR THE MAINTENANCE AND PROTECTION OF THE
10 ENVIRONMENT, OPEN SPACE AND FARMLAND PRESERVATION, WATERSHED
11 PROTECTION, ABANDONED MINE RECLAMATION, ACID MINE DRAINAGE
12 REMEDICATION AND OTHER ENVIRONMENTAL INITIATIVES.

13 * * *

14 "WATERSHED PROTECTION." ACTIVITIES THAT ADDRESS REGIONAL
15 WATER PRIORITIES, INCLUDING PRIORITIES WITHIN THE DELAWARE,
16 ERIE, OHIO, POTOMAC AND SUSQUEHANNA WATERSHEDS AND COMPLIANCE BY
17 THE COMMONWEALTH WITH ITS COMMITMENTS UNDER CHESAPEAKE BAY
18 AGREEMENTS AND IMPLEMENTATION OF THE PROVISION OF CHAPTER 31
19 (RELATING TO WATER RESOURCES PLANNING).

20 * * *

21 SECTION 2. SECTION 6104(D) OF TITLE 27 IS AMENDED AND THE
22 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

23 § 6104. FUND.

24 * * *

25 (D) ALLOCATION.--[IT IS THE INTENT OF THE GENERAL ASSEMBLY
26 THAT THE] THE MONEY APPROPRIATED IN SUBSECTION (C) SHALL BE
27 ALLOCATED ANNUALLY AS FOLLOWS:

28 (1) FOR FISCAL YEAR 1999-2000, 28.4% TO THE DEPARTMENT
29 OF CONSERVATION AND NATURAL RESOURCES, 43.7% TO THE
30 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND 27.9% TO THE

1 AUTHORITY.

2 (2) FOR FISCAL YEARS 2000-2001 THROUGH 2003-2004, 24.1%
3 TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,
4 37.4% TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, 14.8% TO
5 THE DEPARTMENT OF AGRICULTURE AND 23.7% TO THE AUTHORITY.

6 (3) FOR FISCAL YEAR 2004-2005 [AND EACH YEAR
7 THEREAFTER], MONEYS IN THE FUND SHALL BE ALLOCATED IN
8 ACCORDANCE WITH PARAGRAPH (1).

9 (4) FOR FISCAL YEAR 2005-2006, UP TO \$20,000,000 OF THE
10 MONEYS IN THE FUND SHALL BE DEPOSITED INTO THE HAZARDOUS
11 SITES CLEANUP FUND AND THE REMAINING MONEYS SHALL BE
12 ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2).

13 (5) FOR FISCAL YEAR 2006-2007, UP TO \$30,000,000 OF THE
14 MONEYS IN THE FUND SHALL BE DEPOSITED INTO THE HAZARDOUS
15 SITES CLEANUP FUND AND THE REMAINING MONEYS SHALL BE
16 ALLOCATED IN ACCORDANCE WITH PARAGRAPH (2).

17 (6) FOR FISCAL YEAR 2007-2008, AND EACH YEAR THEREAFTER
18 MONEYS IN THE FUND SHALL BE ALLOCATED IN ACCORDANCE WITH
19 PARAGRAPH (2).

20 (D.1) CALCULATION OF ALLOCATIONS.--THE ANNUAL ALLOCATIONS
21 UNDER SUBSECTION (D)(4), (5) AND (6) SHALL BE CALCULATED AFTER
22 MONEYS HAVE BEEN DEPOSITED INTO THE HAZARDOUS SITES CLEANUP FUND
23 PURSUANT TO SUBSECTION (D)(4) AND (5) AND AFTER PAYMENTS
24 AUTHORIZED BY SECTION 6115(D)(4) (RELATING TO COMMONWEALTH
25 INDEBTEDNESS). THE ANNUAL ALLOCATIONS SHALL BE DETERMINED BY THE
26 SECRETARY OF THE BUDGET.

27 (D.2) ALLOCATION REDUCTIONS.--THE ANNUAL ALLOCATION TO THE
28 AUTHORITY UNDER SUBSECTION (D)(4), (5) AND (6) SHALL BE REDUCED,
29 AS AND IF NECESSARY, BY THE FOLLOWING SUMS, WHICH SHALL BE
30 DETERMINED BY THE SECRETARY OF THE BUDGET:

1 (1) UP TO \$2,500,000 TO THE GENERAL FUND FOR
2 REIMBURSEMENT FOR ANY TAX EXCLUSION GRANTED FOR CERTAIN
3 ENERGY EFFICIENT APPLIANCES PURSUANT TO LEGISLATION ENACTED
4 FOR THIS PURPOSE.

5 (2) UP TO \$10,000,000 TO THE GENERAL FUND FOR
6 REIMBURSEMENT OF ANY HISTORIC PRESERVATION TAX CREDIT PROGRAM
7 ESTABLISHED PURSUANT TO LEGISLATION ENACTED FOR THIS PURPOSE,
8 OR TO THE AGENCY ADMINISTERING ANY HISTORIC PRESERVATION
9 GRANT PROGRAM ESTABLISHED PURSUANT TO LEGISLATION ENACTED FOR
10 THIS PURPOSE, FOR REIMBURSEMENT OF FUNDS EXPENDED FOR SUCH
11 PROGRAM, AS THE CASE MAY BE.

12 (D.3) ADDITIONAL DEPOSIT.--FROM WITHIN THE FUNDS ALLOCATED
13 UNDER SECTION 6116 (RELATING TO ESTABLISHMENT OF BOND FUND AND
14 ALLOCATION AND USE OF BOND PROCEEDS), THE SECRETARY OF THE
15 BUDGET MAY DEPOSIT INTO THE FUND AMOUNTS EQUAL TO THOSE
16 DEPOSITED INTO THE HAZARDOUS SITES CLEANUP FUND UNDER SUBSECTION
17 (D)(4) AND (5) AND MAY, AT THE SECRETARY'S DISCRETION, APPLY THE
18 AMOUNT OF THE FUNDS SO DEPOSITED INTO THE FUND UNDER THIS
19 SUBSECTION AGAINST THE AMOUNTS ALLOCATED IN SECTION 6116(C).

20 SECTION 3. SECTIONS 6105(A), (B) AND (E), 6110 AND 6112 OF
21 TITLE 27 ARE AMENDED TO READ:

22 § 6105. AGENCIES.

23 (A) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.--

24 (1) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
25 SHALL UTILIZE MONEY IT RECEIVES FROM THE FUND FOR THE
26 FOLLOWING PURPOSES:

27 (I) TO REHABILITATE, REPAIR AND DEVELOP STATE PARK
28 AND STATE FOREST LANDS AND FACILITIES AND THE ACQUISITION
29 OF INTERIOR LANDS WITHIN STATE PARKS AND STATE FORESTS.

30 (II) TO PROVIDE GRANTS TO A COUNTY OR OTHER

1 MUNICIPALITY, COUNCIL OF GOVERNMENTS, CONSERVATION
2 DISTRICTS AND AUTHORIZED ORGANIZATIONS FOR THE PURPOSE OF
3 PLANNING, EDUCATION, ACQUISITION, DEVELOPMENT,
4 REHABILITATION AND REPAIR OF GREENWAYS, RECREATIONAL
5 TRAILS, OPEN SPACE, NATURAL AREAS, RIVER CORRIDORS,
6 WATERSHEDS, COMMUNITY AND HERITAGE PARKS AND RECREATION
7 FACILITIES; COMMUNITY CONSERVATION AND BEAUTIFICATION
8 PROJECTS; FOREST CONSERVATION; AND OTHER CONSERVATION
9 PURPOSES. GRANTS UNDER THIS PARAGRAPH MAY NOT BE USED BY
10 AN AUTHORIZED ORGANIZATION FOR LAND ACQUISITION UNLESS
11 THE AUTHORIZED ORGANIZATION OBTAINS THE APPROVAL OF ALL
12 COUNTIES IN WHICH THE LAND IS SITUATED. GRANT MONEYS MAY
13 ALSO BE USED FOR THE ACQUISITION OF FARMLAND FOR THE
14 PURPOSES SET FORTH IN THIS PARAGRAPH.

15 (III) TO PROVIDE GRANTS TO A COUNTY OR OTHER
16 MUNICIPALITY AND AUTHORIZED ORGANIZATIONS FOR THE PURPOSE
17 OF RESEARCH, PLANNING, INVENTORIES AND TECHNICAL
18 ASSISTANCE INTENDED TO PROTECT AND CONSERVE THE
19 BIOLOGICAL DIVERSITY OF THIS COMMONWEALTH.

20 (2) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
21 MAY REQUIRE MATCHING FUNDS AS A CONDITION OF THE AWARD OF A
22 GRANT UNDER THIS SUBSECTION.

23 (B) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.--

24 (1) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL
25 UTILIZE MONEY IT RECEIVES FROM THE FUND FOR THE FOLLOWING
26 PURPOSES:

27 (I) TO IMPLEMENT ACID MINE DRAINAGE ABATEMENT AND
28 CLEANUP EFFORTS AND PLUG ABANDONED AND ORPHAN OIL AND GAS
29 WELLS.

30 (II) TO PROVIDE FUNDING FOR TECHNICAL ASSISTANCE AND

1 FINANCIAL INCENTIVES TO FACILITATE REMINING.

2 (III) TO PROVIDE GRANTS TO A COUNTY OR OTHER
3 MUNICIPALITY, COUNCIL OF GOVERNMENTS, COUNTY CONSERVATION
4 DISTRICTS, WATERSHED ORGANIZATIONS AND OTHER AUTHORIZED
5 ORGANIZATIONS FOR ACID MINE DRAINAGE ABATEMENT, MINE
6 CLEANUP EFFORTS AND WELL PLUGGING.

7 (IV) TO PROVIDE GRANTS AND TECHNICAL ASSISTANCE TO A
8 COUNTY OR OTHER MUNICIPALITY, COUNCIL OF GOVERNMENTS,
9 COUNTY CONSERVATION DISTRICTS, WATERSHED ORGANIZATIONS
10 AND OTHER AUTHORIZED ORGANIZATIONS TO PLAN AND IMPLEMENT
11 LOCAL WATERSHED-BASED CONSERVATION EFFORTS.

12 (V) TO IMPROVE WATER-QUALITY-IMPAIRED WATERSHEDS,
13 INCLUDING THOSE POLLUTED BY PAST MINING ACTIVITIES,
14 AGRICULTURAL AND URBAN RUNOFF, ATMOSPHERIC DEPOSITION,
15 ON-LOT SEWAGE SYSTEMS AND EARTHMOVING ACTIVITIES.

16 [(VI) TO PROVIDE GRANTS FOR SAFE DRINKING WATER
17 PROJECTS AND WASTEWATER TREATMENT PROJECTS AS PROVIDED
18 FOR IN SECTION 6110 (RELATING TO ENVIRONMENTAL
19 INFRASTRUCTURE GRANTS TO WATER AND WASTEWATER TREATMENT
20 FACILITIES).]

21 (VII) FOR WATERSHED PROTECTION.

22 (2) COUNTY CONSERVATION DISTRICTS MAY FURTHER DISTRIBUTE
23 GRANTS RECEIVED UNDER THIS SECTION TO WATERSHED ORGANIZATIONS
24 AND OTHER AUTHORIZED ORGANIZATIONS TO ASSIST IN THE
25 IMPLEMENTATION OF THIS CHAPTER.

26 (3) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY
27 REQUIRE MATCHING FUNDS AS A CONDITION OF THE AWARD OF A GRANT
28 UNDER THIS SUBSECTION.

29 (4) FOR THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF
30 THIS CHAPTER AND ENDING JUNE 30, 2004, THE DEPARTMENT OF

1 ENVIRONMENTAL PROTECTION MAY UTILIZE UP TO 10% OF THE MONEY
2 ALLOCATED ANNUALLY TO IT UNDER SECTION 6104(D) (RELATING TO
3 FUND) TO PROVIDE GRANTS FOR SAFE DRINKING WATER PROJECTS AND
4 WASTEWATER TREATMENT PROJECTS. GRANTS UNDER THIS PARAGRAPH
5 SHALL BE MADE FOR THE SAME PURPOSES AND SHALL BE SUBJECT TO
6 THE SAME LIMITATIONS AS GRANTS AUTHORIZED IN SECTION 6110.

7 * * *

8 (E) ADMINISTRATIVE EXPENSE LIMITATION.--THE DEPARTMENTS[,]
9 AND THE AUTHORITY [AND GRANT RECIPIENTS THAT RECEIVE MONEYS FROM
10 THE FUND FOR THE PURPOSES SET FORTH IN THIS SECTION] MAY NOT
11 EXPEND MORE THAN [2%] 2.5% OF THE MONEYS RECEIVED FROM THE FUND
12 ON ADMINISTRATIVE EXPENSES. THE DEPARTMENT OF ENVIRONMENTAL
13 PROTECTION MAY NOT EXPEND MORE THAN AN AGGREGATE OF 2.5% OF THE
14 MONEYS RECEIVED FROM THE FUND AND THE MONEYS DIRECTED TO THE
15 HAZARDOUS SITES CLEANUP FUND PURSUANT TO SECTION 6104(D)(4) AND
16 (5) (RELATING TO FUND) ON ADMINISTRATIVE EXPENSES. GRANT
17 RECIPIENTS THAT RECEIVE MONEYS FROM THE FUND FOR THE PURPOSES
18 SET FORTH IN THIS SECTION MAY NOT EXPEND MORE THAN 5% OF THE
19 MONEYS RECEIVED FROM THE FUND ON ADMINISTRATIVE EXPENSES.

20 * * *

21 [§ 6110. ENVIRONMENTAL INFRASTRUCTURE GRANTS TO WATER AND
22 WASTEWATER TREATMENT FACILITIES.

23 (A) SEPARATE ACCOUNT.--

24 (1) SAVINGS REALIZED IN SECTION 6109 (RELATING TO SEWAGE
25 CONSTRUCTION PAYMENTS TO MUNICIPALITIES) SHALL BE PLACED IN
26 AN ACCOUNT WITHIN THE FUND, WHICH SHALL BE CUMULATIVE,
27 SEPARATE FROM THE ALLOCATIONS IN SECTION 6104(D) (RELATING TO
28 FUND) AND FOR EXPENDITURE BY THE DEPARTMENT OF ENVIRONMENTAL
29 PROTECTION FOR ENVIRONMENTAL INFRASTRUCTURE GRANTS TO A
30 COUNTY OR OTHER MUNICIPALITY, MUNICIPAL AUTHORITIES AND

1 SCHOOL DISTRICTS FOR WATER AND WASTEWATER TREATMENT
2 FACILITIES WHICH:

3 (I) INSTALL OR IMPLEMENT NEW OR INNOVATIVE
4 TECHNOLOGIES IN THEIR OPERATIONS;

5 (II) IMPLEMENT POLLUTION PREVENTION TECHNIQUES IN
6 THEIR OPERATIONS;

7 (III) UNDERTAKE TREATMENT PROCESS MODERNIZATION OR
8 OTHER IMPROVEMENTS, INCLUDING REHABILITATION OF
9 COLLECTION AND CONVEYANCE SYSTEMS; OR

10 (IV) IMPLEMENT ODOR ABATEMENT PROGRAMS IN THEIR
11 OPERATIONS.

12 (2) A GRANT FROM THE ACCOUNT SHALL NOT BE USED FOR THE
13 CONSTRUCTION OF A NEW FACILITY. AN APPLICANT FOR FUNDING MUST
14 DISCLOSE IN THE APPLICATION IF FUNDING HAS BEEN APPLIED FOR
15 FROM BOTH THE ACCOUNT AND THE AUTHORITY. AN APPLICANT THAT
16 RECEIVES FUNDING FROM THE ACCOUNT SHALL NOT RECEIVE FUNDING
17 FROM THE AUTHORITY UNDER THIS CHAPTER FOR THE SAME PORTION OF
18 THE PROJECT OR EQUIPMENT. AN APPLICANT THAT RECEIVES FUNDING
19 FROM THE AUTHORITY UNDER THIS CHAPTER SHALL NOT RECEIVE
20 FUNDING FROM THE ACCOUNT FOR THE SAME PORTION OF THE PROJECT
21 OR EQUIPMENT.

22 (B) LIMITATION.--FUNDING UNDER THIS SECTION SHALL BE LIMITED
23 TO IMPROVEMENTS TO THE PHYSICAL OPERATION OF THE TREATMENT
24 FACILITY AND SHALL NOT BE USED FOR ADMINISTRATIVE PURPOSES OR
25 FOR MACHINERY OR EQUIPMENT PERIPHERALLY RELATED TO THE
26 OPERATION.

27 (C) FUNDING AVAILABILITY.--FUNDING SHALL BE AVAILABLE TO ALL
28 COUNTIES OR OTHER MUNICIPALITIES, MUNICIPAL AUTHORITIES AND
29 SCHOOL DISTRICTS ON THE BASIS OF COST OF THE ENVIRONMENTAL OR
30 PUBLIC HEALTH IMPROVEMENT AND NOT BASED ON DEMOGRAPHICS, PER

1 CAPITA INCOME OR OTHER UNIT OF MEASURE NOT TIED TO THE COST OF
2 THE ENVIRONMENTAL IMPROVEMENT.

3 (D) CALCULATION OF FUND MONEYS.--THE ACCOUNT SHALL ANNUALLY
4 RECEIVE THE DIFFERENCE BETWEEN:

5 (1) THE AMOUNT PAID UNDER THE ACT OF AUGUST 20, 1953
6 (P.L.1217, NO.339), ENTITLED "AN ACT PROVIDING FOR PAYMENTS
7 BY THE COMMONWEALTH TO MUNICIPALITIES WHICH HAVE EXPENDED
8 MONEY TO ACQUIRE AND CONSTRUCT SEWAGE TREATMENT PLANTS IN
9 ACCORDANCE WITH THE CLEAN STREAMS PROGRAM AND THE ACT,
10 APPROVED THE TWENTY-SECOND DAY OF JUNE, ONE THOUSAND NINE
11 HUNDRED THIRTY-SEVEN (PAMPHLET LAWS 1987), AND MAKING AN
12 APPROPRIATION," IN 2001-2002; AND

13 (2) THE AMOUNT PAID UNDER SECTION 6109.]

14 § 6112. EXTENSION OF FEES.

15 (B) FEE ESTABLISHED.--EACH OPERATOR OF A MUNICIPAL WASTE
16 LANDFILL SHALL PAY, IN THE SAME MANNER PRESCRIBED IN SECTION 701
17 OF THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION
18 ACT, AN AMOUNT EQUAL TO 25¢ PER TON OF WEIGHTED WASTE OR 25¢ PER
19 THREE CUBIC YARDS OF VOLUME-MEASURED WASTE FOR ALL SOLID WASTE
20 RECEIVED AT THE LANDFILL. [THESE FEES] THE FEE ESTABLISHED BY
21 THIS SUBSECTION SHALL BE PAID TO THE STATE TREASURY AND
22 DEPOSITED INTO THE FUND[.] AND SHALL NOT BE SUBJECT TO THE
23 PROVISIONS OF SECTION 701(D) OF THE ACT OF JULY 28, 1988
24 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
25 RECYCLING AND WASTE REDUCTION ACT.

26 SECTION 4. TITLE 27 IS AMENDED BY ADDING SECTIONS TO READ:
27 § 6115. COMMONWEALTH INDEBTEDNESS.

28 (A) BORROWING AUTHORIZED.--

29 (1) PURSUANT TO SECTION 7(A)(3) OF ARTICLE VIII OF THE
30 CONSTITUTION OF PENNSYLVANIA AND THE ACT OF APRIL 13, 2005

1 (P.L.1, NO.1), KNOWN AS THE GROWING GREENER BOND REFERENDUM,
2 THE ISSUING OFFICIALS ARE AUTHORIZED AND DIRECTED TO BORROW,
3 ON THE CREDIT OF THE COMMONWEALTH, MONEY NOT EXCEEDING IN THE
4 AGGREGATE THE SUM OF \$625,000,000, IN INCREMENTS OF NOT MORE
5 THAN \$210,000,000 EVERY TWO YEARS OVER A FIVE-YEAR PERIOD
6 AFTER THE EFFECTIVE DATE OF THIS CHAPTER, NOT INCLUDING MONEY
7 BORROWED TO REFUND OUTSTANDING BONDS, NOTES OR REPLACEMENT
8 NOTES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
9 CHAPTER.

10 (2) ALL BONDS AND NOTES ISSUED UNDER THIS CHAPTER SHALL
11 BE:

12 (I) EXEMPT FROM TAXATION FOR STATE AND LOCAL
13 PURPOSES; AND

14 (II) ELIGIBLE FOR TAX-EXEMPT BOND FUNDING STATUS
15 UNDER EXISTING FEDERAL TAX LAW.

16 (3) BORROWING AUTHORIZED UNDER PARAGRAPH (1) SHALL BE
17 CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 307
18 AND 308 OF THE ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN
19 AS THE CAPITAL FACILITIES DEBT ENABLING ACT, INCLUDING THE
20 TERMS AND CONDITIONS OF SECTION 307(C).

21 (B) SALE OF BONDS AND NOTES.--

22 (1) ALL SALES OF BONDS AND NOTES SHALL BE MADE IN
23 ACCORDANCE WITH THE PROVISIONS OF SECTION 309 OF THE CAPITAL
24 FACILITIES DEBT ENABLING ACT.

25 (2) THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND
26 NOTES, EXCEPT REFUNDING BONDS AND REPLACEMENT NOTES UNDER
27 THIS CHAPTER, SHALL BE USED SOLELY FOR THE PURPOSES OF THIS
28 CHAPTER. THE PROCEEDS OF THE SALE OF REFUNDING BONDS AND
29 REPLACEMENT NOTES SHALL BE PAID TO THE STATE TREASURER AND
30 APPLIED TO THE PAYMENT OF PRINCIPAL, ANY ACCRUED INTEREST AND

1 PREMIUM AND COST OF REDEMPTION OF THE BONDS AND NOTES FOR
2 WHICH THE OBLIGATIONS HAVE BEEN ISSUED.

3 (3) PENDING THE ALLOCATION UNDER THIS CHAPTER, MONEY
4 HELD OR DEPOSITED BY THE STATE TREASURER MAY BE INVESTED OR
5 REINVESTED AS ARE OTHER FUNDS IN THE CUSTODY OF THE STATE
6 TREASURER IN THE MANNER PROVIDED BY LAW. ALL EARNINGS
7 RECEIVED FROM THE INVESTMENT OR DEPOSIT OF THE FUNDS SHALL BE
8 USED FOR THE SAME PURPOSES AS THE PROCEEDS REALIZED FROM THE
9 SALE OF BONDS AND NOTES UNDER THIS CHAPTER.

10 (4) THE NECESSARY REGISTRY BOOK SHALL BE KEPT IN THE
11 OFFICE OF THE AUTHORIZED LOAN AND TRANSFER AGENT OF THE
12 COMMONWEALTH FOR THE REGISTRATION OF BONDS, AT THE REQUEST OF
13 OWNERS OF THE BONDS, ACCORDING TO THE TERMS AND CONDITIONS OF
14 ISSUE DIRECTED BY THE ISSUING OFFICIALS.

15 (5) THERE IS HEREBY APPROPRIATED TO THE STATE TREASURER
16 FROM THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND NOTES
17 UNDER THIS CHAPTER AS MUCH MONEY AS MAY BE NECESSARY FOR ALL
18 COSTS AND EXPENSES IN CONNECTION WITH THE ISSUE AND SALE AND
19 REGISTRATION OF THE BONDS AND NOTES IN CONNECTION WITH THIS
20 CHAPTER AND THE PAYMENT OF INTEREST ARBITRAGE REBATES.

21 (C) TEMPORARY FINANCING AUTHORIZATION.--

22 (1) PENDING THE ISSUANCE OF BONDS OF THE COMMONWEALTH AS
23 AUTHORIZED, THE ISSUING OFFICIALS ARE AUTHORIZED, IN
24 ACCORDANCE WITH THIS CHAPTER AND ON THE CREDIT OF THE
25 COMMONWEALTH, TO MAKE TEMPORARY BORROWINGS NOT TO EXCEED ONE
26 YEAR IN ANTICIPATION OF THE ISSUE OF BONDS IN ORDER TO
27 PROVIDE FUNDS IN AMOUNTS AS DEEMED ADVISABLE PRIOR TO THE
28 ISSUE OF BONDS. IN ORDER TO PROVIDE FOR AND IN CONNECTION
29 WITH ANY TEMPORARY BORROWING, THE ISSUING OFFICIALS ARE
30 AUTHORIZED IN THE NAME AND ON BEHALF OF THE COMMONWEALTH TO

1 ENTER INTO PURCHASE, LOAN OR CREDIT AGREEMENTS OR OTHER
2 AGREEMENTS WITH ANY BANK OR TRUST COMPANY, OTHER LENDING
3 INSTITUTION, INVESTMENT BANKING FIRM OR PERSON IN THE UNITED
4 STATES HAVING POWER TO ENTER INTO THE AGREEMENT. THE
5 AGREEMENTS MAY CONTAIN PROVISIONS NOT INCONSISTENT WITH THIS
6 CHAPTER AS AUTHORIZED BY THE ISSUING OFFICIALS.

7 (2) TEMPORARY BORROWINGS MADE UNDER THIS SUBSECTION
8 SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION
9 306(B), (C) AND (D) OF THE CAPITAL FACILITIES DEBT ENABLING
10 ACT.

11 (3) OUTSTANDING NOTES EVIDENCING THE BORROWINGS MAY BE
12 FUNDED AND RETIRED BY THE ISSUANCE AND SALE OF THE BONDS OF
13 THE COMMONWEALTH AS AUTHORIZED IN THIS PARAGRAPH. THE
14 REFUNDING BONDS SHALL BE ISSUED AND SOLD NOT LATER THAN A
15 DATE ONE YEAR AFTER THE DATE OF ISSUANCE OF THE FIRST NOTES
16 EVIDENCING THE BORROWING TO THE EXTENT THAT PAYMENT OF THE
17 NOTES HAS NOT OTHERWISE BEEN MADE OR PROVIDED FOR BY SOURCES
18 OTHER THAN PROCEEDS OF REPLACEMENT NOTES.

19 (4) THE PROCEEDS OF ALL TEMPORARY BORROWING SHALL BE
20 PAID TO THE STATE TREASURER TO BE HELD AND DISPOSED OF IN
21 ACCORDANCE WITH THIS CHAPTER.

22 (D) DEBT RETIREMENT.--

23 (1) ALL BONDS ISSUED UNDER THIS CHAPTER SHALL BE
24 REDEEMED AT MATURITY, TOGETHER WITH ALL INTEREST DUE.
25 PRINCIPAL AND INTEREST PAYMENTS SHALL BE PAID AS PROVIDED IN
26 THIS CHAPTER.

27 (2) BY NOVEMBER 1 OF EACH YEAR, THE STATE TREASURER
28 SHALL DETERMINE AND REPORT THE FOLLOWING TO THE SECRETARY OF
29 THE BUDGET:

30 (I) THE AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF

1 INTEREST ON THE OUTSTANDING OBLIGATIONS.

2 (II) THE PRINCIPAL OF THE OBLIGATION FOR THE
3 FOLLOWING FISCAL YEAR.

4 (III) THE TIMES AND AMOUNTS OF THE PAYMENTS.

5 (3) THE GOVERNOR SHALL INCLUDE IN EACH ANNUAL BUDGET
6 SUBMITTED TO THE GENERAL ASSEMBLY COMPLETE INFORMATION
7 RELATING TO:

8 (I) THE ISSUANCE OF BONDS AND NOTES UNDER THIS
9 CHAPTER.

10 (II) THE STATUS OF THE FUND CREATED UNDER THIS
11 CHAPTER.

12 (III) THE PAYMENT OF PRINCIPAL OF AND INTEREST ON
13 THE BONDS AND NOTES AT MATURITY.

14 (4) THE SECRETARY OF THE BUDGET, UPON APPROVAL BY THE
15 GOVERNOR, SHALL UTILIZE UP TO \$60,000,000 OF THE MONEYS IN
16 THE FUND ON AN ANNUAL BASIS FOR PAYMENT OF PRINCIPLE AND
17 INTEREST FOR DEBT SERVICE ON BONDS ISSUED PURSUANT TO THIS
18 SECTION AND ANY OTHER DEBT INCURRED BY THE COMMONWEALTH FOR
19 PROJECTS ELIGIBLE FOR FUNDING UNDER THIS CHAPTER.

20 (E) REFUNDING.--THE ISSUING OFFICIALS MAY BY RESOLUTION
21 ISSUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING ANY
22 OUTSTANDING DEBT ISSUED UNDER THIS CHAPTER, EITHER BY VOLUNTARY
23 EXCHANGE WITH THE HOLDERS OF THE OUTSTANDING DEBT OR TO PROVIDE
24 FUNDS TO REDEEM AND RETIRE THE OUTSTANDING DEBT WITH ACCRUED
25 INTEREST, AND PREMIUM PAYABLE THEREON, AND TO PAY THE COSTS OF
26 ISSUANCE AND RETIREMENT OF THE DEBT, AT MATURITY OR AT ANY CALL
27 DATE. THE ISSUANCE OF THE REFUNDING BONDS, THE MATURITIES AND
28 OTHER DETAILS, THE RIGHTS OF THE HOLDERS THEREOF AND THE DUTIES
29 OF THE ISSUING OFFICIALS IN RESPECT THERETO SHALL BE GOVERNED BY
30 THE PROVISIONS OF THIS SUBSECTION, AS APPLICABLE. REFUNDING

1 BONDS MAY BE ISSUED BY THE ISSUING OFFICIALS TO REFUND DEBT
2 ORIGINALLY ISSUED OR TO REFUND BONDS PREVIOUSLY ISSUED FOR
3 REFUNDING PURPOSES.

4 (F) PROCEEDS RESTRICTED.--THE PROCEEDS FROM THE SALE OF
5 BONDS UNDER THIS SECTION SHALL ONLY BE USED TO FUND CAPITAL
6 IMPROVEMENT PROJECTS UNDER SECTIONS 6116 (RELATING TO
7 ESTABLISHMENT OF BOND FUND AND ALLOCATION AND USE OF BOND
8 PROCEEDS) AND 6117 (RELATING TO COUNTY ENVIRONMENTAL INITIATIVE
9 PROGRAM) AND SHALL NOT BE USED FOR SALARIES AND OTHER
10 ADMINISTRATIVE COSTS OR EXPENSES.

11 (G) PROHIBITION.--NO PROJECT SHALL BE FUNDED BY THE PROCEEDS
12 OF THE OBLIGATIONS INCURRED UNDER THIS SECTION IF THE PROJECT
13 WOULD CAUSE THE BONDS TO LOSE THEIR FEDERAL TAX-EXEMPT STATUS
14 UNDER THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
15 U.S.C. § 1 ET SEQ.).

16 (H) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CAPITAL
17 IMPROVEMENT PROJECT" OR "PROJECT" MEANS A PROJECT ELIGIBLE FOR
18 TAX-EXEMPT FINANCING UNDER THE INTERNAL REVENUE CODE OF 1986.
19 § 6116. ESTABLISHMENT OF BOND FUND AND ALLOCATION AND USE OF
20 BOND PROCEEDS.

21 (A) ESTABLISHMENT OF BOND FUND.--THERE IS HEREBY ESTABLISHED
22 A SPECIAL FUND IN THE STATE TREASURY, TO BE KNOWN AS THE GROWING
23 GREENER BOND FUND. PRIOR TO ALLOCATION, MONEYS IN THE BOND FUND
24 MAY BE INVESTED OR REINVESTED AS ARE OTHER FUNDS IN THE CUSTODY
25 OF THE STATE TREASURER IN A MANNER PROVIDED BY LAW. THE
26 FOLLOWING AMOUNTS SHALL BE DEPOSITED BY THE TREASURY DEPARTMENT
27 INTO THE BOND FUND:

28 (1) FUNDS BORROWED UNDER SECTION 6115(A) (RELATING TO
29 COMMONWEALTH INDEBTEDNESS) FOR USE AS PRESCRIBED IN THIS
30 CHAPTER.

1 (2) EARNINGS DERIVED FROM THE INVESTMENT OF THE MONEY IN
2 THE BOND FUND AFTER DEDUCTION OF INVESTMENT EXPENSES.

3 (3) ANY OTHER MONEY APPROPRIATED TO THE BOND FUND.

4 (B) PLAN.--AN ANNUAL ALLOCATION PLAN FOR THE BOND FUND SHALL
5 BE SUBMITTED BY THE GOVERNOR TO THE GENERAL ASSEMBLY AS PART OF
6 THE GOVERNOR'S ANNUAL BUDGET. THE ALLOCATION PLAN SHALL BE OPEN
7 FOR REVIEW AND COMMENT BY THE MEMBERS OF THE GENERAL ASSEMBLY
8 AND SHALL INCLUDE A DETAILED LISTING OF THE TYPES OF PROGRAMS TO
9 BE FUNDED FOR THE FISCAL YEAR. THE GENERAL ASSEMBLY MAY REVIEW
10 AND PROVIDE COMMENT ON THE ALLOCATION PLAN.

11 (C) ALLOCATION AND USE OF FUNDS.--MONEYS IN THE BOND FUND
12 SHALL BE ALLOCATED AND USED AS FOLLOWS:

13 (1) THE AMOUNT OF \$230,000,000 TO THE DEPARTMENT OF
14 ENVIRONMENTAL PROTECTION FOR ITS EXISTING PROGRAMS FOR
15 WATERSHED PROTECTION, MINE AND ACID MINE DRAINAGE
16 REMEDICATION, PLUGGING OF ABANDONED OIL AND GAS WELLS,
17 ADVANCED ENERGY PROJECTS AS AUTHORIZED IN SUBPARAGRAPH (I),
18 FLOOD PROTECTION, GEOLOGICAL HAZARDS AND BROWNFIELDS
19 REMEDICATION. AT LEAST \$60,000,000 SHALL BE USED FOR ACID MINE
20 DRAINAGE ABATEMENT AND MINE CLEANUP EFFORTS. THE DEPARTMENT
21 OF ENVIRONMENTAL PROTECTION IS AUTHORIZED TO MAKE PORTIONS OF
22 THESE MONEYS AVAILABLE TO THE FOLLOWING COMMONWEALTH AGENCIES
23 AND AUTHORITIES FOR THE PURPOSES DESIGNATED:

24 (I) UP TO \$10,000,000 ANNUALLY TO THE ENERGY
25 DEVELOPMENT AUTHORITY FOR ADVANCED ENERGY PROJECTS; AND

26 (II) UP TO \$5,000,000 ANNUALLY TO THE DEPARTMENT OF
27 COMMUNITY AND ECONOMIC DEVELOPMENT FOR BROWNFIELDS
28 REMEDICATION.

29 (2) THE AMOUNT OF \$217,500,000 TO THE DEPARTMENT OF
30 CONSERVATION AND NATURAL RESOURCES FOR ITS EXISTING PROGRAMS

1 FOR THE IMPROVEMENT OF STATE PARKS AND STATE FORESTS,
2 COMMUNITY PARK AND RECREATION GRANTS AND OPEN SPACE
3 PRESERVATION. NOT LESS THAN \$100,000,000 OF THESE MONEYS
4 SHALL BE USED FOR FACILITY AND INFRASTRUCTURE IMPROVEMENTS TO
5 STATE PARKS AND STATE FORESTS, AND \$90,000,000 OF THESE
6 MONEYS SHALL BE USED FOR OPEN SPACE CONSERVATION. EXCEPT FOR
7 INTERIOR LANDS OF EXISTING STATE PARK OR STATE FOREST LANDS,
8 FUNDS UNDER THIS SUBSECTION SHALL NOT BE USED FOR ACQUISITION
9 OF ADDITIONAL STATE PARK OR STATE FOREST LANDS WITHOUT THE
10 APPROVAL OF THE BOARD OF COMMISSIONERS IN THE COUNTY WHERE
11 THE ACQUISITION IS SITUATED.

12 (3) THE AMOUNT OF \$80,000,000 TO THE DEPARTMENT OF
13 AGRICULTURE FOR ITS EXISTING COUNTY-BASED FARMLAND
14 PRESERVATION PROGRAMS.

15 (4) NOT MORE THAN \$50,000,000 TO THE DEPARTMENT OF
16 COMMUNITY AND ECONOMIC DEVELOPMENT FOR MAIN STREET AND
17 DOWNTOWN REDEVELOPMENT RELATED TO SMART GROWTH, INCLUDING
18 IMPROVEMENTS TO EXISTING WATER AND WASTEWATER INFRASTRUCTURE.

19 (5) THE AMOUNT OF \$27,500,000 TO THE PENNSYLVANIA FISH
20 AND BOAT COMMISSION FOR CAPITAL IMPROVEMENT PROJECTS TO ITS
21 EXISTING LANDS AND FACILITIES. THE EXECUTIVE DIRECTOR OF THE
22 PENNSYLVANIA FISH AND BOAT COMMISSION SHALL, NO LATER THAN
23 JUNE 30 OF EACH YEAR, PROVIDE AN ANNUAL ALLOCATION PLAN
24 DETAILING THE PROJECTS TO BE FUNDED UNDER THIS PARAGRAPH, THE
25 AMOUNT OF EACH PROJECT AND THE ANTICIPATED ENVIRONMENTAL
26 BENEFIT OF THE PROJECT TO THE CHAIRMAN AND MINORITY CHAIRMAN
27 OF THE GAME AND FISHERIES COMMITTEE OF THE SENATE AND THE
28 CHAIRMAN AND MINORITY CHAIRMAN OF THE GAME AND FISHERIES
29 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

30 (6) THE AMOUNT OF \$20,000,000 TO THE PENNSYLVANIA GAME

1 COMMISSION FOR CAPITAL IMPROVEMENT PROJECTS TO ITS EXISTING
2 LANDS AND FACILITIES. THE EXECUTIVE DIRECTOR OF THE
3 PENNSYLVANIA GAME COMMISSION SHALL, NO LATER THAN JUNE 30 OF
4 EACH YEAR, PROVIDE AN ANNUAL ALLOCATION PLAN DETAILING THE
5 PROJECTS TO BE FUNDED UNDER THIS PARAGRAPH, THE AMOUNT OF
6 EACH PROJECT AND THE ANTICIPATED ENVIRONMENTAL BENEFIT OF THE
7 PROJECT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE GAME AND
8 FISHERIES COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
9 MINORITY CHAIRMAN OF THE GAME AND FISHERIES COMMITTEE OF THE
10 HOUSE OF REPRESENTATIVES. FUNDS UNDER THIS PARAGRAPH SHALL
11 NOT BE USED FOR LAND ACQUISITION.

12 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CAPITAL
13 IMPROVEMENT PROJECT" OR "PROJECT" MEANS A PROJECT ELIGIBLE FOR
14 TAX-EXEMPT FINANCING UNDER THE INTERNAL REVENUE CODE OF 1986
15 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.).
16 § 6117. COUNTY ENVIRONMENTAL INITIATIVE PROGRAM.

17 (A) ESTABLISHMENT.--THERE IS ESTABLISHED THE COUNTY
18 ENVIRONMENTAL INITIATIVE PROGRAM. FROM WITHIN THE AMOUNTS
19 ALLOCATED IN SECTION 6116(C)(1), (2), (3) AND (4) (RELATING TO
20 ESTABLISHMENT OF BOND FUND AND ALLOCATION AND USE OF BOND
21 PROCEEDS), \$90,000,000 SHALL BE AVAILABLE FOR CAPITAL
22 IMPROVEMENT PROJECTS DESIGNATED BY COUNTIES AS SET FORTH IN THIS
23 SECTION.

24 (B) AMOUNT OF FUNDING.--EACH COUNTY SHALL BE PROVIDED WITH
25 AN ANNUAL FUNDING AMOUNT ACCORDING TO ITS CLASS AS DESIGNATED BY
26 THE LAWS OF THIS COMMONWEALTH. AMOUNTS SHALL BE ANNUALLY
27 DETERMINED BY THE SECRETARY OF THE BUDGET, WHO SHALL NOTIFY THE
28 COUNTIES OF THE SAME ON OR BEFORE OCTOBER 1 OF EACH YEAR. WITHIN
29 THE FIRST SIX FISCAL YEARS AFTER THE EFFECTIVE DATE OF THIS
30 SECTION, EACH COUNTY SHALL RECEIVE THE FOLLOWING AMOUNTS:

1 (1) COUNTIES OF THE FIRST, SECOND AND SECOND-A CLASS -
2 \$2,700,000.

3 (2) COUNTIES OF THE THIRD CLASS - \$1,750,000.

4 (3) COUNTIES OF THE FOURTH AND FIFTH CLASS - \$1,390,000.

5 (4) COUNTIES OF THE SIXTH, SEVENTH AND EIGHTH CLASS -
6 \$1,000,000.

7 (C) CAPITAL IMPROVEMENT PROJECT DESIGNATION.--EACH COUNTY,
8 IN CONSULTATION WITH THE COUNTY CONSERVATION DISTRICT WHERE ONE
9 EXISTS, SHALL ANNUALLY BE PERMITTED TO DESIGNATE CAPITAL
10 IMPROVEMENT PROJECTS THAT ARE ELIGIBLE TO BE FUNDED UNDER
11 SECTION 6116 UP TO ITS FUNDING AMOUNT ESTABLISHED PURSUANT TO
12 SUBSECTION (B). IF A COUNTY'S PROPOSED PROJECT COMPLIES WITH ALL
13 LAWS, REGULATIONS AND PROCEDURES THAT APPLY TO THE PROGRAM
14 CATEGORY FOR WHICH FUNDING IS DESIGNATED, THE APPLICABLE
15 DEPARTMENT RECEIVING AN ALLOCATION UNDER SECTION 6116 SHALL FUND
16 THE PROJECT. THE APPLICABLE DEPARTMENT SHALL CONSIDER A COUNTY'S
17 RECURRING ENVIRONMENTAL AND CONSERVATION FUNDING LEVELS TO
18 ENSURE THE PROJECT SUPPLEMENTS EXISTING EFFORTS.

19 (D) APPLICATION OF FUNDING.--FUNDING PROVIDED TO CAPITAL
20 IMPROVEMENT PROJECTS UNDER THIS SECTION SHALL BE APPLIED AGAINST
21 THE TOTAL ALLOCATIONS MADE TO THE DEPARTMENTS UNDER SECTION
22 6116(C)(1), (2), (3) AND (4). DESIGNATION OF A CAPITAL
23 IMPROVEMENT PROJECT BY A COUNTY UNDER THIS SECTION SHALL NOT
24 OBLIGATE A DEPARTMENT TO PROVIDE FUNDS TO THE PROJECT IN EXCESS
25 OF THE AMOUNT OF COUNTY ENVIRONMENTAL INITIATIVE FUNDS SO
26 ALLOCATED.

27 (E) REALLOCATION.--IF A COUNTY FAILS TO DESIGNATE CAPITAL
28 IMPROVEMENT PROJECTS THAT WILL USE THE ENTIRETY OF ITS FUNDING
29 AMOUNT FOR A FISCAL YEAR, THE DEPARTMENT SHALL ALLOCATE THE
30 REMAINING FUNDS TO OTHER ELIGIBLE PROJECTS.

1 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CAPITAL
2 IMPROVEMENT PROJECT" OR "PROJECT" MEANS A PROJECT ELIGIBLE FOR
3 TAX-EXEMPT FINANCING UNDER THE INTERNAL REVENUE CODE OF 1986
4 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.).
5 § 6118. INTERFUND TRANSFER.

6 (A) TRANSFER.--THE SECRETARY OF THE BUDGET, IN HIS
7 DISCRETION, MAY ANNUALLY TRANSFER FUNDS FROM THE ALTERNATIVE
8 FUELS INCENTIVE FUND TO THE FUND IN SUCH AMOUNTS AS WILL ALLOW
9 THE FUND TO CONTINUE TO DISTRIBUTE MONEYS TO THE DEPARTMENTS AND
10 THE AUTHORITY AT HISTORIC LEVELS.

11 (B) AMOUNT.--IN DETERMINING THE AMOUNT TO BE TRANSFERRED
12 UNDER SUBSECTION (A), THE SECRETARY OF THE BUDGET SHALL ASSURE
13 THAT SUFFICIENT FUNDS REMAIN IN THE ALTERNATIVE FUELS INCENTIVE
14 FUND SO THAT IMPLEMENTATION OF THE ALTERNATIVE FUELS INCENTIVE
15 PROGRAM, AS ESTABLISHED IN THE ACT OF NOVEMBER 29, 2004
16 (P.L.1376, NO.178), KNOWN AS THE ALTERNATIVE FUELS INCENTIVE
17 ACT, SHALL NOT BE AFFECTED.

18 § 6119. REPORTING.

19 (A) STATE DEPARTMENTS AND AGENCIES.--EVERY STATE DEPARTMENT
20 AND AGENCY RECEIVING FUNDS UNDER THIS CHAPTER SHALL PUBLISH A
21 REPORT OF ALL PROJECTS FUNDED ON THE DEPARTMENT OR AGENCY'S
22 PUBLICLY ACCESSIBLE INTERNET WEBSITE AT LEAST ANNUALLY.

23 (B) COUNTIES.--EVERY COUNTY DESIGNATING CAPITAL IMPROVEMENT
24 PROJECTS UNDER SECTION 6117 (RELATING TO COUNTY ENVIRONMENTAL
25 INITIATIVE PROGRAM) SHALL PUBLISH A REPORT OF ALL PROJECTS
26 FUNDED ON THE COUNTY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AT
27 LEAST ANNUALLY.

28 SECTION 5. SECTIONS 6301 AND 6304 OF TITLE 27 ARE AMENDED TO
29 READ:

30 § 6301. DISPOSAL FEE FOR MUNICIPAL WASTE LANDFILLS.

1 (A) IMPOSITION.--EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (B), EACH OPERATOR OF A MUNICIPAL WASTE LANDFILL SHALL PAY, IN
3 THE SAME MANNER PRESCRIBED IN CHAPTER 7 OF THE ACT OF JULY 27,
4 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
5 RECYCLING AND WASTE REDUCTION ACT, A DISPOSAL FEE OF \$4 PER TON
6 FOR ALL SOLID WASTE DISPOSED OF AT THE MUNICIPAL WASTE LANDFILL.
7 THE FEE ESTABLISHED IN THIS SECTION SHALL APPLY TO PROCESS
8 RESIDUE AND NONPROCESSIBLE WASTE FROM A RESOURCE RECOVERY
9 FACILITY THAT IS DISPOSED OF AT THE MUNICIPAL WASTE LANDFILL AND
10 IS IN ADDITION TO THE FEE ESTABLISHED IN SECTION 701 OF THE
11 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT. THE
12 FEE ESTABLISHED BY THIS SUBSECTION SHALL NOT BE SUBJECT TO THE
13 PROVISIONS OF SECTION 701(D) OF THE MUNICIPAL WASTE PLANNING,
14 RECYCLING AND WASTE REDUCTION ACT.

15 (B) EXCEPTIONS.--THE FEE ESTABLISHED UNDER THIS SECTION
16 SHALL NOT APPLY TO THE FOLLOWING:

17 (1) PROCESS RESIDUE AND NONPROCESSIBLE WASTE THAT IS
18 PERMITTED FOR BENEFICIAL USE OR FOR USE AS ALTERNATE DAILY
19 COVER AT A MUNICIPAL WASTE LANDFILL.

20 (2) SOLID WASTE FROM A HAZARDOUS WASTE TREATMENT
21 FACILITY THAT IS CONVERTED INTO NONHAZARDOUS WASTE AND
22 DISPOSED OF AT A MUNICIPAL WASTE LANDFILL.

23 (C) OPERATOR.--FOR PURPOSES OF IMPOSITION OF THE DISPOSAL
24 FEE UNDER THIS SECTION, THE TERM "OPERATOR" SHALL BE DEFINED
25 CONSISTENT WITH THE DEFINITION OF "OPERATOR" IN THE MUNICIPAL
26 WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT AND SHALL
27 INCLUDE MUNICIPALITIES OR MUNICIPAL AUTHORITIES THAT OPERATE
28 DISPOSAL FACILITIES.

29 [§ 6304. SUNSET.

30 NO FEE OR SURCHARGE SHALL BE IMPOSED UNDER THIS CHAPTER ON

1 AND AFTER JULY 1, 2012.]

2 SECTION 6. REPEALS ARE AS FOLLOWS:

3 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
4 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OR
5 ADDITION OF THE FOLLOWING PROVISIONS:

6 (I) 27 PA.C.S. § 6103.

7 (II) 27 PA.C.S. § 6104(D), (D.1), (D.2) AND (D.3).

8 (III) 27 PA.C.S. § 6105(A), (B) AND (E).

9 (IV) 27 PA.C.S. § 6110.

10 (V) 27 PA.C.S. § 6112.

11 (VI) 27 PA.C.S. § 6115.

12 (VII) 27 PA.C.S. § 6116.

13 (VIII) 27 PA.C.S. § 6117.

14 (IX) 27 PA.C.S. § 6118.

15 (X) 27 PA.C.S. § 6119.

16 (XI) 27 PA.C.S. § 6301.

17 (XII) 27 PA.C.S. § 6304.

18 (2) SECTION 602.3(A.1) OF THE ACT OF MARCH 4, 1971
19 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS
20 REPEALED.

21 SECTION 7. THE AMENDMENT OF 27 PA.C.S. § 6301 SHALL BE
22 RETROACTIVE TO JULY 9, 2002.

23 SECTION 8. THE AMENDMENT OF 27 PA.C.S. § 6301 SHALL BE
24 CONSIDERED AS A CODIFICATION OF THE LAW THEN IN EFFECT.

25 SECTION 9. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.