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, FICHER, 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, HAHART, 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 Consolidated Statutes, further providing for definitions; establishing the Environmental Endowment Account and the Environmental Stewardship Sinking Fund; continuing the Hazardous Sites Cleanup Fund; further providing for agencies; providing for intergovernmental coordination, for evaluation of applications and for extension of fees; authorizing incurring of indebtedness, sale of bonds, temporary financing and debt retirement; providing for certification and publication of certification; further providing for deposit of disposal fees, for sunset and for adjustments; and making a repeal. DEFINITIONS, FOR ALLOCATION OF ENVIRONMENTAL STEWARDSHIP FUND AND FOR ADMINISTRATIVE EXPENSES; DELETING PROVISIONS RELATING TO ENVIRONMENTAL INFRASTRUCTURE GRANTS; PROVIDING FOR FEE DEPOSITS; AUTHORIZING INDEBTEDNESS FOR ENVIRONMENTAL INITIATIVES; AUTHORIZING SALE OF BONDS, TEMPORARY FINANCING AND DEBT RETIREMENT; FURTHER PROVIDING FOR DISPOSAL FEE FOR MUNICIPAL WASTE LANDFILLS AND DEPOSIT OF DISPOSAL FEE; DELETING CERTAIN SUNSET PROVISIONS; AND MAKING A REPEAL RELATING TO THE HAZARDOUS SITES CLEANUP FUND.

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

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

§ 6103. Definitions.

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

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"Departments." The Department of Agriculture, the Department of Conservation and Natural Resources and the Department of Environmental Protection of the Commonwealth.

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

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

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

* * *

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

* * *

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

§ 6104. Fund.

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

(b) Sources.—

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

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

(3) It is the intent of the General Assembly that $100,000,000 per fiscal year be appropriated from the General Fund for fiscal years 2000-2001 through 2003-2004 to the fund. The Governor's annual budget submission for fiscal
years 2000-2001 through 2003-2004 shall include the sum of $100,000,000 per fiscal year for allocation in accordance with this section.

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

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

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

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

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

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

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

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

(3) For fiscal year 2004-2005 [and each year thereafter], moneys in the fund shall be allocated in
accordance with paragraph (1).

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

(e) Legislative oversight. --

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

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

(3) The Secretary of Environmental Protection, the Secretary of Conservation and Natural Resources and the Director of the Pennsylvania Infrastructure Investment Authority shall each submit a report no later than September 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,
acquisition, development, rehabilitation and repair of greenways, recreational trails, [open space,] natural areas, river corridors, watersheds, community and heritage parks and recreation facilities; community conservation and beautification projects; forest conservation; and other conservation purposes. Grants under this paragraph may not be used by an authorized organization for land acquisition unless the authorized organization obtains the approval of all counties in which the land is situated. [Grant moneys may also be used for the acquisition of farmland for the purposes set forth in this paragraph.]

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

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

(i) Personnel and maintenance costs.

(ii) Outreach activities.

(iii) Land and other in-kind contributions.

(3) For fiscal year 2005-2006, and each fiscal year thereafter, the Department of Conservation and Natural Resources may require matching funds in an amount equal to at least 20% of the total project cost. Additional local match requirements may be established by the departments as a condition of the award of a grant under this subsection. As used in this paragraph, the term "matching funds" shall include all of the following:

(i) Personnel and maintenance costs.

(ii) Outreach activities.

(iii) Land and other in-kind contributions.
Resources shall use a minimum of $15,000,000 of the money it receives pursuant to this chapter for grants for open space preservation under paragraph (1)(ii).

(b) The Department of Environmental Protection.—

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

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

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

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

(iv) To provide grants and technical assistance to a county [or other], municipality, county conservation [districts] district, watershed [organizations and] organization or other authorized [organizations] organization to plan and implement local watershed-based conservation efforts.

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

(vi) To provide grants for safe drinking water
projects and wastewater treatment projects as provided for in section 6110 (relating to environmental infrastructure grants to water and wastewater treatment facilities).

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

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

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

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

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

(i) Personnel and maintenance costs.

(ii) Outreach activities.
(iii) Land and other in-kind contributions.

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

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

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

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

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

Section 5. Title 27 is amended by adding sections to read:

§ 6114. Commonwealth indebtedness.

(a) Borrowing authorized.—

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

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

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

(ii) eligible for tax-exempt bond funding status
under existing Federal law.

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

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

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

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

(4) The Auditor General shall prepare the necessary registry book to be kept in the office of the authorized loan and transfer agent of the Commonwealth for the registration of bonds, at the request of owners of the bonds, according to the terms and conditions of issue directed by the issuing officials.
(5) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue and sale and registration of the bonds and notes in connection with this chapter and the payment of interest arbitrage rebates.

(c) Temporary financing authorization, —

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

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

(3) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of this Commonwealth as authorized in this paragraph. The refunding bonds shall be issued and sold not later than a date one year after the date of issuance of the first notes.
evidencing the borrowing to the extent that payment of the
notes has not otherwise been made or provided for by sources
other than proceeds of replacement notes.

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

(d) Debt retirement.—

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

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

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

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

(iii) the times and amounts of the payments.

(3) The Governor shall include in every budget submitted
to the General Assembly full information relating to:

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

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

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

§ 6115. Certifications.

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

(b) Additional indebtedness.--Beginning with fiscal year 2006-2007 and each fiscal year thereafter, prior to the issuing officials incurring additional indebtedness under section 6114 (relating to Commonwealth indebtedness), the Secretary of the Budget shall certify to the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives whether sufficient money will exist in the Environmental Stewardship Sinking Fund to pay the principal of and interest on the bonds and notes at maturity.
existing indebtedness and proposed additional indebtedness, incurred and to be incurred by the Commonwealth under section 6114. If the Secretary of the Budget certifies that sufficient money will exist in the Environmental Stewardship Sinking Fund to pay the principal of and interest on the existing indebtedness and the proposed additional indebtedness, the issuing officials may, upon publication of the certification under subsection (a), incur the additional indebtedness in accordance with section 6114. If the Secretary of the Budget certifies that sufficient money will not exist in the Environmental Stewardship Sinking Fund to pay the principal of and interest on the existing indebtedness and the proposed additional indebtedness, the issuing officials may not incur the additional indebtedness. Upon a publication of a certification to the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives that sufficient money will exist, the issuing officials may incur additional indebtedness in accordance with section 6114.

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

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

§ 6302. Deposit of disposal fee.

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

(i) The first $50,000,000 in fees collected shall be
deposited into the Environmental Stewardship Fund established in Chapter 61 (relating to environmental stewardship and watershed protection).

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

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

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

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

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

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

§ 6304. Sunset.

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

§ 6306. Adjustments.

When the Governor's proposed budget for the upcoming fiscal year, as submitted pursuant to section 12 of Article VIII of the Constitution of Pennsylvania, contains a revision to the revenue estimate for the current year of at least 3% less than the official revenue estimate for the current year, the funds deposited pursuant to section 6302(2) (relating to deposit of disposal fee) may be adjusted by transferring or redirecting up to 25% of these deposits to the General Fund.)
Section 7. Section 602.3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed.

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

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

Section 10. This act shall take effect as follows:

   (1) The following provisions shall take effect immediately:

   (i) Section 9 of this act.
   (ii) This section.

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

SECTION 1. SECTION 6103 OF TITLE 27 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:

§ 6103. DEFINITIONS.

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

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

"GEOLOGICAL HAZARD." A NATURALLY OCCURRING OR MANMADE GEOLOGIC CONDITION OR PHENOMENON THAT PRESENTS A RISK OR IS A
POTENTIAL DANGER TO LIFE AND PROPERTY. THE TERM INCLUDES, BUT IS
NOT LIMITED TO, LANDSLIDE, AVALANCHE, GROUND SUBSIDENCE AND
COASTAL AND BEACH EROSION.

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

* * *

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

* * *

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

§ 6104. FUND.

* * *

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

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

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

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

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

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

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

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

(D.2) ALLOCATION REDUCTIONS.--THE ANNUAL ALLOCATION TO THE AUTHORITY UNDER SUBSECTION (D)(4), (5) AND (6) SHALL BE REDUCED, AS AND IF NECESSARY, BY THE FOLLOWING SUMS, WHICH SHALL BE DETERMINED BY THE SECRETARY OF THE BUDGET.
(1) Up to $2,500,000 to the General Fund for reimbursement for any tax exclusion granted for certain energy efficient appliances pursuant to legislation enacted for this purpose.

(2) Up to $10,000,000 to the General Fund for reimbursement of any historic preservation tax credit program established pursuant to legislation enacted for this purpose, or to the agency administering any historic preservation grant program established pursuant to legislation enacted for this purpose, for reimbursement of funds expended for such program, as the case may be.

(D.3) Additional Deposit.--From within the funds allocated under section 6116 (relating to establishment of bond fund and allocation and use of bond proceeds), the Secretary of the Budget may deposit into the fund amounts equal to those deposited into the hazardous sites cleanup fund under subsection (D)(4) and (5) and may, at the Secretary's discretion, apply the amount of the funds so deposited into the fund under this subsection against the amounts allocated in section 6116(C).

Section 3. Sections 6105(A), (B) and (E), 6110 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, COUNCIL OF GOVERNMENTS, CONSERVATION
DISTRICTS AND AUTHORIZED ORGANIZATIONS FOR THE PURPOSE OF
PLANNING, EDUCATION, ACQUISITION, DEVELOPMENT,
REHABILITATION AND REPAIR OF GREENWAYS, RECREATIONAL
TRAILS, OPEN SPACE, NATURAL AREAS, RIVER CORRIDORS,
WATERSHEDS, COMMUNITY AND HERITAGE PARKS AND RECREATION
FACILITIES; COMMUNITY CONSERVATION AND BEAUTIFICATION
PROJECTS; FOREST CONSERVATION; AND OTHER CONSERVATION
PURPOSES. GRANTS UNDER THIS PARAGRAPH MAY NOT BE USED BY
AN AUTHORIZED ORGANIZATION FOR LAND ACQUISITION UNLESS
THE AUTHORIZED ORGANIZATION OBTAINS THE APPROVAL OF ALL
COUNTIES IN WHICH THE LAND IS SITUATED. GRANT MONEYS MAY
ALSO BE USED FOR THE ACQUISITION OF FARMLAND FOR THE
PURPOSES SET FORTH IN THIS PARAGRAPH.
(III) TO PROVIDE GRANTS TO A COUNTY OR OTHER
MUNICIPALITY AND AUTHORIZED ORGANIZATIONS FOR THE PURPOSE
OF RESEARCH, PLANNING, INVENTORIES AND TECHNICAL
ASSISTANCE INTENDED TO PROTECT AND CONSERVE THE
BIOLOGICAL DIVERSITY OF THIS COMMONWEALTH.
(2) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
MAY REQUIRE MATCHING FUNDS AS A CONDITION OF THE AWARD OF A
GRANT UNDER THIS SUBSECTION.
(B) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.--
(1) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL
UTILIZE MONEY IT RECEIVES FROM THE FUND FOR THE FOLLOWING
PURPOSES:
(I) TO IMPLEMENT ACID MINE DRAINAGE ABATEMENT AND
CLEANUP EFFORTS AND PLUG ABANDONED AND ORPHAN OIL AND GAS
WELLS.
(II) TO PROVIDE FUNDING FOR TECHNICAL ASSISTANCE AND
FINANCIAL INCENTIVES TO FACILITATE REMINING.

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

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

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

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

(VII) FOR WATERSHED PROTECTION.

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

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

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

* * *

(E) ADMINISTRATIVE EXPENSE LIMITATION.--THE DEPARTMENTS[,

AND THE AUTHORITY [AND GRANT RECIPIENTS THAT RECEIVE MONEYS FROM THE FUND FOR THE PURPOSES SET FORTH IN THIS SECTION] MAY NOT EXPEND MORE THAN [2%] 2.5% OF THE MONEYS RECEIVED FROM THE FUND ON ADMINISTRATIVE EXPENSES. THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY NOT EXPEND MORE THAN AN AGGREGATE OF 2.5% OF THE MONEYS RECEIVED FROM THE FUND AND THE MONEYS DIRECTED TO THE HAZARDOUS SITES CLEANUP FUND PURSUANT TO SECTION 6104(D)(4) AND (5) (RELATING TO FUND) ON ADMINISTRATIVE EXPENSES. GRANT RECIPIENTS THAT RECEIVE MONEYS FROM THE FUND FOR THE PURPOSES SET FORTH IN THIS SECTION MAY NOT EXPEND MORE THAN 5% OF THE MONEYS RECEIVED FROM THE FUND ON ADMINISTRATIVE EXPENSES.

* * *

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

(A) SEPARATE ACCOUNT.--

(1) SAVINGS REALIZED IN SECTION 6109 (RELATING TO SEWAGE CONSTRUCTION PAYMENTS TO MUNICIPALITIES) SHALL BE PLACED IN AN ACCOUNT WITHIN THE FUND, WHICH SHALL BE CUMULATIVE, SEPARATE FROM THE ALLOCATIONS IN SECTION 6104(D) (RELATING TO FUND) AND FOR EXPENDITURE BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR ENVIRONMENTAL INFRASTRUCTURE GRANTS TO A COUNTY OR OTHER MUNICIPALITY, MUNICIPAL AUTHORITIES AND
SCHOOL DISTRICTS FOR WATER AND WASTEWATER TREATMENT

FACILITIES WHICH:

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

(II) IMPLEMENT POLLUTION PREVENTION TECHNIQUES IN THEIR OPERATIONS;

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

(IV) IMPLEMENT ODOR ABATEMENT PROGRAMS IN THEIR OPERATIONS.

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

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

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

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

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

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

(2) THE AMOUNT PAID UNDER SECTION 6109.]

§ 6112. EXTENSION OF FEES.

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

SECTION 4. TITLE 27 IS AMENDED BY ADDING SECTIONS TO READ:

§ 6115. COMMONWEALTH INDEBTEDNESS.

(A) BORROWING AUTHORIZED.—

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

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(P.L.1, NO.1), known as the Growing Greener Bond Referendum, the issuing officials are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of $625,000,000, in increments of not more than $210,000,000 every two years over a five-year period after the effective date of this chapter, not including money borrowed to refund outstanding bonds, notes or replacement notes as may be necessary to carry out the purposes of this chapter.

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

(I) Exempt from taxation for state and local purposes; and

(II) Eligible for tax-exempt bond funding status under existing federal tax law.

(3) Borrowing authorized under paragraph (1) shall be carried out in accordance with the provisions of sections 307 and 308 of the Act of February 9, 1999 (P.L.1, NO.1), known as the Capital Facilities Debt Enabling Act, including the terms and conditions of section 307(C).

(B) Sale of bonds and notes.--

(1) All sales of bonds and notes shall be made in accordance with the provisions of section 309 of the Capital Facilities Debt Enabling Act.

(2) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes under this chapter, shall be used solely for the purposes of this chapter. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the state treasurer and applied to the payment of principal, any accrued interest and...
PREMIUM AND COST OF REDEMPTION OF THE BONDS AND NOTES FOR
WHICH THE OBLIGATIONS HAVE BEEN ISSUED.

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

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

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

(C) TEMPORARY FINANCING AUTHORIZATION.--

(1) PENDING THE ISSUANCE OF BONDS OF THE COMMONWEALTH AS
AUTHORIZED, THE ISSUING OFFICIALS ARE AUTHORIZED, IN
ACCORDANCE WITH THIS CHAPTER AND ON THE CREDIT OF THE
COMMONWEALTH, TO MAKE TEMPORARY BORROWINGS NOT TO EXCEED ONE
YEAR IN ANTICIPATION OF THE ISSUE OF BONDS IN ORDER TO
PROVIDE FUNDS IN AMOUNTS AS DEEMED ADVISABLE PRIOR TO THE
ISSUE OF BONDS, IN ORDER TO PROVIDE FOR AND IN CONNECTION
WITH ANY TEMPORARY BORROWING, THE ISSUING OFFICIALS ARE
AUTHORIZED IN THE NAME AND ON BEHALF OF THE COMMONWEALTH TO
ENTER INTO PURCHASE, LOAN OR CREDIT AGREEMENTS OR OTHER
AGREEMENTS WITH ANY BANK OR TRUST COMPANY, OTHER LENDING
INSTITUTION, INVESTMENT BANKING FIRM OR PERSON IN THE UNITED
STATES HAVING POWER TO ENTER INTO THE AGREEMENT. THE
AGREEMENTS MAY CONTAIN PROVISIONS NOT INCONSISTENT WITH THIS
CHAPTER AS AUTHORIZED BY THE ISSUING OFFICIALS.

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

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

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

(D) DEBT RETIREMENT.--

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

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

(I) THE AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF
INTEREST ON THE OUTSTANDING OBLIGATIONS.

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

(III) THE TIMES AND AMOUNTS OF THE PAYMENTS.

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

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

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

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

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

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

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


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

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

(1) FUNDS BORROWED UNDER SECTION 6115(A) (RELATING TO COMMONWEALTH INDEBTEDNESS) FOR USE AS PRESCRIBED IN THIS CHAPTER.
(2) Earnings derived from the investment of the money in the bond fund after deduction of investment expenses.

(3) Any other money appropriated to the bond fund.

(B) Plan.—An annual allocation plan for the bond fund shall be submitted by the governor to the general assembly as part of the governor's annual budget. The allocation plan shall be open for review and comment by the members of the general assembly and shall include a detailed listing of the types of programs to be funded for the fiscal year. The general assembly may review and provide comment on the allocation plan.

(C) Allocation and use of funds.—Moneys in the bond fund shall be allocated and used as follows:

(1) The amount of $230,000,000 to the department of environmental protection for its existing programs for watershed protection, mine and acid mine drainage remediation, plugging of abandoned oil and gas wells, advanced energy projects as authorized in subparagraph (i), flood protection, geological hazards and brownfields remediation. At least $60,000,000 shall be used for acid mine drainage abatement and mine cleanup efforts. The department of environmental protection is authorized to make portions of these moneys available to the following commonwealth agencies and authorities for the purposes designated:

   (I) up to $10,000,000 annually to the energy development authority for advanced energy projects; and

   (II) up to $5,000,000 annually to the department of community and economic development for brownfields remediation.

(2) The amount of $217,500,000 to the department of conservation and natural resources for its existing programs.
FOR THE IMPROVEMENT OF STATE PARKS AND STATE FORESTS, COMMUNITY PARK AND RECREATION GRANTS AND OPEN SPACE PRESERVATION. NOT LESS THAN $100,000,000 OF THESE MONEYS SHALL BE USED FOR FACILITY AND INFRASTRUCTURE IMPROVEMENTS TO STATE PARKS AND STATE FORESTS, AND $90,000,000 OF THESE MONEYS SHALL BE USED FOR OPEN SPACE CONSERVATION. EXCEPT FOR INTERIOR LANDS OF EXISTING STATE PARK OR STATE FOREST LANDS, FUNDS UNDER THIS SUBSECTION SHALL NOT BE USED FOR ACQUISITION OF ADDITIONAL STATE PARK OR STATE FOREST LANDS WITHOUT THE APPROVAL OF THE BOARD OF COMMISSIONERS IN THE COUNTY WHERE THE ACQUISITION IS SITUATED.

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

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


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


§ 6117. COUNTY ENVIRONMENTAL INITIATIVE PROGRAM.

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

(B) AMOUNT OF FUNDING.--EACH COUNTY SHALL BE PROVIDED WITH AN ANNUAL FUNDING AMOUNT ACCORDING TO ITS CLASS AS DESIGNATED BY THE LAWS OF THIS COMMONWEALTH. AMOUNTS SHALL BE ANNUALLY DETERMINED BY THE SECRETARY OF THE BUDGET, WHO SHALL NOTIFY THE COUNTIES OF THE SAME ON OR BEFORE OCTOBER 1 OF EACH YEAR. WITHIN THE FIRST SIX FISCAL YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, EACH COUNTY SHALL RECEIVE THE FOLLOWING AMOUNTS:
(1) COUNTIES OF THE FIRST, SECOND AND SECOND-A CLASS – $2,700,000.

(2) COUNTIES OF THE THIRD CLASS – $1,750,000.

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

(4) COUNTIES OF THE SIXTH, SEVENTH AND EIGHTH CLASS – $1,000,000.

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

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

(E) REALLOCATION.--IF A COUNTY FAILS TO DESIGNATE CAPITAL IMPROVEMENT PROJECTS THAT WILL USE THE ENTIRETY OF ITS FUNDING AMOUNT FOR A FISCAL YEAR, THE DEPARTMENT SHALL ALLOCATE THE REMAINING FUNDS TO OTHER ELIGIBLE PROJECTS.
(F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CAPITAL IMPROVEMENT PROJECT" OR "PROJECT" MEANS A PROJECT ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.).

§ 6118. INTERFUND TRANSFER.
   (A) TRANSFER.--THE SECRETARY OF THE BUDGET, IN HIS DISCRETION, MAY ANNUALLY TRANSFER FUNDS FROM THE ALTERNATIVE FUELS INCENTIVE FUND TO THE FUND IN SUCH AMOUNTS AS WILL ALLOW THE FUND TO CONTINUE TO DISTRIBUTE MONEYS TO THE DEPARTMENTS AND THE AUTHORITY AT HISTORIC LEVELS.
   (B) AMOUNT.--IN DETERMINING THE AMOUNT TO BE TRANSFERRED UNDER SUBSECTION (A), THE SECRETARY OF THE BUDGET SHALL ASSURE THAT SUFFICIENT FUNDS REMAIN IN THE ALTERNATIVE FUELS INCENTIVE FUND SO THAT IMPLEMENTATION OF THE ALTERNATIVE FUELS INCENTIVE PROGRAM, AS ESTABLISHED IN THE ACT OF NOVEMBER 29, 2004 (P.L.1376, NO.178), KNOWN AS THE ALTERNATIVE FUELS INCENTIVE ACT, SHALL NOT BE AFFECTED.

§ 6119. REPORTING.
   (A) STATE DEPARTMENTS AND AGENCIES.--EVERY STATE DEPARTMENT AND AGENCY RECEIVING FUNDS UNDER THIS CHAPTER SHALL PUBLISH A REPORT OF ALL PROJECTS FUNDED ON THE DEPARTMENT OR AGENCY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AT LEAST ANNUALLY.
   (B) COUNTIES.--EVERY COUNTY DESIGNATING CAPITAL IMPROVEMENT PROJECTS UNDER SECTION 6117 (RELATING TO COUNTY ENVIRONMENTAL INITIATIVE PROGRAM) SHALL PUBLISH A REPORT OF ALL PROJECTS FUNDED ON THE COUNTY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AT LEAST ANNUALLY.

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

§ 6301. DISPOSAL FEE FOR MUNICIPAL WASTE LANDFILLS.
(A) IMPOSITION.--EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B), EACH OPERATOR OF A MUNICIPAL WASTE LANDFILL SHALL PAY, IN THE SAME MANNER PRESCRIBED IN CHAPTER 7 OF THE ACT OF JULY 27, 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, A DISPOSAL FEE OF $4 PER TON FOR ALL SOLID WASTE DISPOSED OF AT THE MUNICIPAL WASTE LANDFILL. THE FEE ESTABLISHED IN THIS SECTION SHALL APPLY TO PROCESS RESIDUE AND NONPROCESSIBLE WASTE FROM A RESOURCE RECOVERY FACILITY THAT IS DISPOSED OF AT THE MUNICIPAL WASTE LANDFILL AND IS IN ADDITION TO THE FEE ESTABLISHED IN SECTION 701 OF THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT. THE FEE ESTABLISHED BY THIS SUBSECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 701(D) OF THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT.

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

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

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

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

[§ 6304. SUNSET.] NO FEE OR SURCHARGE SHALL BE IMPOSED UNDER THIS CHAPTER ON
AND AFTER JULY 1, 2012.]

SECTION 6. REPEALS ARE AS FOLLOWS:

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

(I) 27 PA.C.S. § 6103.

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

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

(IV) 27 PA.C.S. § 6110.

(V) 27 PA.C.S. § 6112.

(VI) 27 PA.C.S. § 6115.

(VII) 27 PA.C.S. § 6116.

(VIII) 27 PA.C.S. § 6117.

(IX) 27 PA.C.S. § 6118.

(X) 27 PA.C.S. § 6119.

(XI) 27 PA.C.S. § 6301.

(XII) 27 PA.C.S. § 6304.

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


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

SECTION 9. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.