

No. 1980-87

AN ACT

HB 1899

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing a lease for oil rights at Woodville State Hospital and further providing for the powers and duties of the Department of Environmental Resources.

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

Section 1. Clause (6) of section 1902-A, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended October 4, 1978 (P.L.1006, No.214), is amended to read:

Section 1902-A. Forest Powers and Duties.—The Department of Environmental Resources shall have the power, and its duty shall be:

* * *

(6) Whenever it shall appear that the welfare of the Commonwealth, with reference to reforestation, and the betterment of the State forests, with respect to control, management, protection, utilization, development, and regulation, of their occupancy and use, will be advanced by selling or disposing of any of the timber on the State forests, to dispose of such timber on terms most advantageous to the State: Provided, That the department is authorized and directed to set aside, within the State forests, unusual or historical groves of trees, or natural features, especially worthy of permanent preservation, to make the same accessible and convenient for public use, and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment. And the said department is hereby empowered, to make and execute contracts or leases, in the name of the Commonwealth, for the mining or removal of any valuable minerals that may be found in said State forests, or of oil and gas beneath those waters of Lake Erie owned by the Commonwealth, or of *oil and gas* beneath the land of Woodville State Hospital owned by the Commonwealth, whenever

it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals: And provided further, That any proposed contracts or leases of valuable minerals, exceeding one thousand dollars (\$1,000) in value, shall have been advertised once a week for three weeks, in at least two newspapers published nearest the locality indicated, in advance of awarding such contract or lease. Such contracts or leases may then be awarded to the highest and best bidder, who shall give bond for the proper performance of the contract as the department shall designate: Provided, however, That where the Commonwealth owns a fractional interest in the oil, natural gas and other minerals under State forest lands, the requirement of competitive bidding may be waived, and the department may enter into a contract to lease that fractional interest, with the approval of the Governor, and upon such terms and conditions as the department deems to be in the best interest of the Commonwealth.

* * *

Section 2. The act is amended by adding a section to read:

Section 1904-A.1. Uranium Tailings.—(a) The Department of Environmental Resources shall have the power and its duty shall be:

(1) To enter into such cooperative agreements with the United States Department of Energy as are described in section 103 of the Uranium Mill Tailings Radiation Control Act of 1978, Public Law 95-604, 42 U.S.C. § 7901 et seq. to perform remedial actions at each processing site in Pennsylvania designated by the Secretary of the United States Department of Energy under the Uranium Mill Tailings Radiation Control Act of 1978.

(2) To acquire, in consultation with the United States Government, by purchase or by eminent domain, such property or interest therein as is necessary for performance of remedial action.

(3) To pay, in cooperation with the United States Government, to both tenants and owners in fee of such property as is acquired by purchase, in addition to the purchase price, those moving and removal expenses and other damages as are provided for in Article VI of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(4) To dispose of any property or interest therein acquired under the provisions of this section in accordance with the terms and conditions of cooperative agreements entered into pursuant to clause (1).

(5) To perform, in cooperation with the United States Government, such other remedial action as may be necessary.

(b) For the purposes of this section "processing site" means:

(1) any site in the Commonwealth, including the mill, containing residual radioactive materials at which all or substantially all of the uranium was produced for sale to any Federal agency prior to January 1, 1971, under a contract with any Federal agency; or

(2) any other real property or improvement which is in the vicinity of such site and is determined by the Secretary of the United States Department of Energy to be contaminated with residual radioactive materials derived from such site.

Section 3. This act shall take effect immediately.

APPROVED—The 2nd day of July, A. D. 1980.

DICK THORNBURGH