

No. 2007-77

## AN ACT

SB 1100

Providing for the Hazardous Sites Cleanup Fund, for its funding, for expenditures from the fund and for audits of the fund; making an appropriation; and making related repeals.

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

**Section 1. Short title.**

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

**Section 2. Definitions.**

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

“Department.” The Department of Environmental Protection of the Commonwealth.

“Fund.” The Hazardous Sites Cleanup Fund.

**Section 3. Lapsing of prior legislative appropriations.**

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

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

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

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

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

**Section 4. Transfer of funds.**

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

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

#### Section 5. Appropriation.

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

#### Section 6. Annual report.

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

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

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

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

(3) The amount expended for personnel costs.

#### Section 7. Audit.

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

#### Section 18. Repeals.

(a) Absolute.—

(1) The General Assembly declares that:

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

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

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

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

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

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

Section 19. Applicability (Reserved).

Section 20. Effective date.

This act shall take effect immediately.

APPROVED—The 18th day of December, A.D. 2007.

EDWARD G. RENDELL