

No. 1980-158

AN ACT

SB 1263

Amending the act of January 19, 1968 (1967 P.L.996, No.443), entitled "An act authorizing the creation of indebtedness of five hundred million dollars for the conservation and reclamation of land and water resources; defining the powers and duties of certain offices, agencies and political subdivisions; providing for the allotment of proceeds hereunder including Commonwealth grants; prescribing standards and making appropriations," granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for the liens upon such land; providing for the promulgation of rules and regulations and providing for rights of recovery for abatement of emergency conditions; establishing an account to receive and disburse Federal funds; and reappropriating lapsed funds.

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

Section 1. The first paragraph of clause (1) of subsection (a) of section 16, act of January 19, 1968 (1967 P.L.996, No.443), known as "The Land and Water Conservation and Reclamation Act," amended June 24, 1976 (P.L.427, No.103) and June 30, 1976 (P.L.474, No.120), is amended to read:

Section 16. Allotment of Moneys.—(a) The moneys received by the Commonwealth from the issuance and sale of bonds and notes pursuant to this act when appropriated by the General Assembly from the development fund shall be allotted for the following specific purposes:

(1) To the Department of Environmental Resources the sum of two hundred million dollars (\$200,000,000) for the elimination of land and water scars created by past mining practices, **[one hundred forty million dollars (\$140,000,000)]** *one hundred thirty million dollars (\$130,000,000)* of which shall be used for the prevention, control and elimination of stream pollution from mine drainage, **[and may include]** the restoration of abandoned strip mine areas, *or the elimination or control of abandoned mine conditions detrimental to public health and safety*, twenty million dollars (\$20,000,000) of which shall be used for the prevention, control and elimination of air pollution from abandoned burning coal refuse banks provided such land and bank material is publicly owned, and **[forty million dollars (\$40,000,000)]** *fifty million dollars (\$50,000,000)* of which shall be used for the prevention of surface subsidence *and elimination of subsidence hazards* above abandoned mine operations, *for the sealing of abandoned deep mines*, for the control and extinguishment of surface and underground fires from abandoned mines and for administration expenses attendant thereto.

* * *

Section 2. Section 19 of the act is amended to read:

Section 19. Federal Programs.—(a) The departments and commissions set forth herein may utilize any available Federal program to augment the funds made available to such department or commission under the provisions of this act.

(b) *Within the General Fund there is hereby created a restricted revenue account to be known as the Pennsylvania Abandoned Mine Reclamation Account which shall consist of all grants from the Federal Government to the Commonwealth of Pennsylvania pursuant to Title IV of Public Law 95-87, the "Surface Mining Control and Reclamation Act of 1977." Funds deposited in this account shall be used for the purposes of clause (1) of subsection (a) of section 16, act of January 19, 1968 (1967 P.L.996, No.443), known as "The Land and Water Conservation and Reclamation Act," and for such other purposes of abandoned mine reclamation as may be authorized by law, subject to such conditions as may be imposed on such grants by the Federal Government. All Federal grants and other revenues or receipts incidental to this program are hereby appropriated to the Department of Environmental Resources and shall require annual executive authorization by the Governor. All such funds shall be a supplement to and shall augment the allotment of moneys made available under clause (1) of subsection (a) of section 16, for the elimination of land and water scars created by past mining practices.*

Section 3. Section 20 of the act is amended by adding subsections to read:

Section 20. Appropriations.—* * *

(e) *All moneys lapsed under clause (1) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Environmental Resources for the purposes specified in clause (1) of subsection (a) of section 16. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation which remains unexpended, unencumbered or uncommitted after June 30, 1983, shall lapse.*

(f) *All moneys lapsed under clause (3) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Environmental Resources, Fish and Game Commissions and Historical and Museum Commission for the purposes specified in clause (3) of subsection (a) of section 16. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation which remains unexpended, unencumbered or uncommitted after June 30, 1983, shall lapse.*

(g) *All moneys lapsed under clause (4) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Community Affairs for the purposes specified in clause (4) of subsection (a) of section 16. Expenditures*

from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation which remains unexpended, unencumbered, or uncommitted after June 30, 1983, shall lapse.

Section 4. This act shall take effect immediately.

APPROVED—The 10th day of October, A. D. 1980.

DICK THORNBURGH