
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2242 Session of
2022

INTRODUCED BY KEEFER, RYAN, MALONEY, BERNSTINE, JAMES, HAMM,
STAMBAUGH, GROVE, COX, KAUFFMAN, MOUL, TWARDZIK AND WARNER,
JANUARY 11, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 11, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in administrative organization, further
22 providing for departmental administrative boards,
23 commissions, and offices; in organization of departmental
24 administrative boards and commissions and of advisory boards
25 and commissions, further providing for advisory boards and
26 commissions and repealing provisions relating to
27 Environmental Quality Board; in powers and duties of the
28 Department of Agriculture and its departmental administrative
29 commission, further providing for seasonal farm labor; in
30 powers and duties of the Department of Environmental
31 Resources, its officers and departmental and advisory boards
32 and commissions, further providing for Environmental Quality

1 Board and for powers of Environmental Quality Board.
2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Section 202 of the act of April 9, 1929 (P.L.177,
5 No.175), known as The Administrative Code of 1929, amended July
6 9, 2021 (P.L.377, No.70), is amended to read:

7 Section 202. Departmental Administrative Boards,
8 Commissions, and Offices.--The following boards, commissions,
9 and offices are hereby placed and made departmental
10 administrative boards, commissions, or offices, as the case may
11 be, in the respective administrative departments mentioned in
12 the preceding section, as follows:

13 In the Department of State,
14 Commissioner of Professional and Occupational Affairs,
15 State Real Estate Commission,
16 State Board of Medical Education and Licensure,
17 State Board of Physical Therapy Examiners,
18 State Board of Pharmacy,
19 State Dental Council and Examining Board,
20 State Board of Optometrical Examiners,
21 State Board of Osteopathic Medical Examiners,
22 State Board of Nurse Examiners,
23 State Board of Barber Examiners,
24 State Board of Cosmetology,
25 State Board of Veterinary Medical Examiners,
26 State Board of Chiropractic Examiners,
27 State Board of Podiatry Examiners,
28 State Board of Examiners of Public Accountants,
29 State Board of Examiners of Architects,
30 State Registration Board for Professional Engineers,

1 State Board of Funeral Directors,
2 State Board of Examiners of Nursing Home Administrators,
3 State Board of Auctioneer Examiners,
4 State Board of Psychologist Examiners,
5 State Board of Landscape Architects.

6 In the Department of Justice,

7 In the Treasury Department,

8 Board of Finance and Revenue;

9 In the Department of Community Affairs,

10 Board of Property;

11 In the Department of Education,

12 Board of Trustees of Thaddeus Stevens College of
13 Technology,

14 Board of Trustees of Scranton State School for the Deaf,

15 Public Service Institute Board,

16 State Board of Private Academic Schools,

17 State Board of Private Licensed Schools,

18 State Board of Education.

19 In the Department of Military and Veterans Affairs,

20 Armory Board of the State of Pennsylvania,

21 Board of Trustees of Scotland School for Veterans'
22 Children.

23 In the Department of Banking and Securities,

24 In the Department of Agriculture,

25 State Farm Products Show Commission;

26 In the Department of Health,

27 In the Department of Labor and Industry,

28 Workmen's Compensation Appeal Board,

29 State Workmen's Insurance Board,

30 The Industrial Board,

1 Unemployment Compensation Board of Review,
2 Pennsylvania Labor Relations Board,
3 Advisory Council on Affairs of the Handicapped;
4 In the Department of Human Services,
5 Board of Trustees of The Western Youth Development
6 Centers,
7 Board of Trustees of The Central Youth Development
8 Centers,
9 Board of Trustees of The Eastern Youth Development
10 Centers,
11 Board of Trustees of Allentown State Hospital,
12 Board of Trustees of Clarks Summit State Hospital,
13 Board of Trustees of Danville State Hospital,
14 Board of Trustees of Embreeville Center,
15 Board of Trustees of Farview State Hospital,
16 Board of Trustees of Harrisburg State Hospital,
17 Board of Trustees of Mayview State Hospital,
18 Board of Trustees of Norristown State Hospital,
19 Board of Trustees of Philadelphia State Hospital,
20 Board of Trustees of Somerset State Hospital,
21 Board of Trustees of Warren State Hospital,
22 Board of Trustees of Wernersville State Hospital,
23 Board of Trustees of Woodville State Hospital,
24 Board of Trustees of Torrance State Hospital,
25 Board of Trustees of Haverford State Hospital,
26 Board of Trustees of Ashland State General Hospital,
27 Board of Trustees of Coaldale State General Hospital,
28 Board of Trustees of Nanticoke State General Hospital,
29 Board of Trustees of Philipsburg State General Hospital,
30 Board of Trustees of Scranton State General Hospital,

1 Board of Trustees of Shamokin State General Hospital,
2 Board of Trustees of Ebensburg Center,
3 Board of Trustees of Eastern State School and Hospital,
4 Board of Trustees of Laurelton Center,
5 Board of Trustees of Pennhurst Center,
6 Board of Trustees of Polk Center,
7 Board of Trustees of Selinsgrove Center,
8 Board of Trustees of Hamburg Center,
9 Board of Trustees of Western Center,
10 Board of Trustees of White Haven Center,
11 Board of Trustees of Woodhaven Center,
12 Board of Trustees of South Mountain Restoration Center.

13 In the Department of General Services,
14 Board of Commissioners of Public Grounds and Buildings,
15 State Art Commission;

16 In the Department of Revenue,
17 State Athletic Commission;

18 In the Department of Commerce,
19 Navigation Commission for the Delaware River and its
20 navigable tributaries;

21 In the Department of Highways,
22 State Highway Commission.

23 In the Department of Transportation,
24 Hazardous Substances Transportation Board,

25 In the Department of Environmental [Resources,
26 Environmental Quality Board,] Protection,
27 Environmental Hearing Board,
28 State Board for Certification of Sewage Treatment and
29 Waterworks Operators,
30 State Soil and Water Conservation Commission,

1 Anthracite Mine Inspectors,
2 Bituminous Mine Inspectors.

3 In the Department of Drug and Alcohol Programs,
4 Bureau of Prevention and Intervention,
5 Bureau of Treatment,
6 Bureau of Administration.

7 All of the foregoing departmental administrative boards and
8 commissions shall be organized or reorganized as provided in
9 this act.

10 Section 2. Section 448(p) of the act is amended to read:

11 Section 448. Advisory Boards and Commissions.--The advisory
12 boards and commissions, within the several administrative
13 departments, shall be constituted as follows:

14 * * *

15 (p) The Citizens Advisory Council shall be an independent
16 advisory council administratively housed within the Department
17 of Environmental Protection and shall consist of the Secretary
18 of Environmental Protection who shall serve in an ex officio
19 capacity, six members who shall be appointed by the Governor, no
20 more than three of whom shall be of the same political party,
21 six members who shall be appointed by the President Pro Tempore
22 of the Senate, no more than three of whom shall be of the same
23 political party, and six members who shall be appointed by the
24 Speaker of the House of Representatives no more than three of
25 whom shall be of the same political party. The appointed members
26 of the council shall be citizens of the State, who, during their
27 respective terms, shall hold no other State office to which any
28 salary is attached [except that of membership on the
29 Environmental Quality Board].

30 The term of office of each appointed member shall be three

1 years, measured from the third Tuesday of January of the year in
2 which he takes office, or until his successor has been
3 appointed; except that in the initial appointments of the
4 members of the council, the respective appointing authorities
5 shall appoint two members for terms of one year each, two
6 members for terms of two years each, and two members for terms
7 of three years each.

8 The Citizens Advisory Council shall include persons
9 knowledgeable in fields related to the work of the Department of
10 Environmental Resources such as, but not limited to, ecology,
11 limnology, toxicology, pharmacology, organiculture, and
12 industrial technology.

13 The council shall annually elect one of its appointed members
14 as chairman and shall elect a secretary who need not be a member
15 of the council. Meetings of the council shall be held at least
16 quarterly or at the call of the chairman.

17 The council shall have the sole power to employ and fix the
18 compensation of an executive director and such experts,
19 stenographers, and assistants as may be deemed necessary to
20 carry out the work of the council, but due diligence shall be
21 exercised by the council to enlist such voluntary assistance as
22 may be available from citizens, research organizations, and
23 other agencies in Pennsylvania or elsewhere, generally
24 recognized as qualified to aid the council.

25 Section 3. Section 471 of the act is repealed:

26 [Section 471. Environmental Quality Board.--The
27 Environmental Quality Board shall consist of the Secretary of
28 Environmental Resources, who shall be chairman thereof, the
29 Secretary of Health, the Secretary of Commerce, the Secretary of
30 Transportation, the Secretary of Agriculture, the Secretary of

1 Labor and Industry, the Secretary of Community Affairs, the
2 Executive Director of the Fish Commission, the Executive
3 Director of the Game Commission, the Chairman of the Public
4 Utilities Commission, the Executive Director of the State
5 Planning Board, the Executive Director of the Pennsylvania
6 Historical and Museum Commission, five members of the Citizens
7 Advisory Council, and four members of the General Assembly. The
8 Citizens Advisory Council members shall be designated by, and
9 serve at the pleasure of, the Citizens Advisory Council. One of
10 the General Assembly members shall be designated by, and serve
11 at the pleasure of, the President Pro Tempore of the Senate, one
12 by the Minority Leader of the Senate, one by the Speaker of the
13 House of Representatives and one by the Minority Leader of the
14 House of Representatives. In addition to the heads of the
15 various departments as elsewhere in this act provided, the other
16 members of the board may have named alternates to serve in their
17 stead, the alternates for the members of the board from the
18 Citizens Advisory Council to be selected by that council from
19 members of the council and each other alternate to be selected
20 by that particular member of the board in whose stead he is to
21 serve. No person will serve as alternate for more than one board
22 member.

23 Eight members of the board shall constitute a quorum.]

24 Section 4. Sections 1715(b)(2), 1920-A and 1930-A of the act
25 are amended to read:

26 Section 1715. Seasonal Farm Labor.--* * *

27 (b) The Secretary of Agriculture shall have the power and
28 the secretary's duty shall be:

29 * * *

30 (2) To exercise the powers and duties vested by law and

1 imposed upon the former Environmental Quality Board as
2 specifically [set forth] specified in the "Seasonal Farm Labor
3 Act."

4 Section 1920-A. [Environmental Quality Board] Department of
5 Environmental Protection.--(a) The [Environmental Quality
6 Board] department shall have the responsibility for developing a
7 master environmental plan for the Commonwealth.

8 (b) The [Environmental Quality Board] department shall have
9 the power and [its duties shall be] duty to formulate, adopt and
10 promulgate [such] rules and regulations [as may be determined by
11 the board] for the proper performance of the work of the
12 department[, and such rules and regulations, when made by the
13 board, shall become the rules and regulations of the department]
14 in adherence to the law as written and not as interpreted by the
15 department.

16 (c) The [board] department shall continue to exercise [any]
17 the power to formulate, adopt and promulgate rules and
18 regulations[, heretofore] previously vested in the [several]
19 persons, departments, boards and commissions [set forth in
20 section 1901-A. of this act, and any such rules] specified under
21 section 1901-A. Rules and regulations promulgated prior to the
22 effective date of this act shall be the rules and regulations of
23 the [Department of Environmental Resources] department until
24 [such time as] they are modified or repealed by the
25 [Environmental Quality Board] department.

26 (d) The [board] department shall have the power to subpoena
27 witnesses, records and papers and upon certification to it of
28 failure to obey [any such] the subpoena the Commonwealth Court
29 is empowered after hearing to enter, when proper, an
30 adjudication of contempt and [such] any other order as the

1 circumstances require.

2 [(e) The board shall receive and review reports from the
3 Department of Environmental Resources and shall advise the
4 Department and the Secretary of Environmental Resources on
5 matters of policy.]

6 (f) The [board] department shall establish [such] rules and
7 regulations, not inconsistent with law, for the control,
8 management, protection, utilization, development, occupancy and
9 use of the lands and resources of State parks[, as it may deem
10 necessary to conserve the interests of the Commonwealth. Such].
11 The rules and regulations shall be compatible with the purposes
12 for which State parks are created and strictly adhere to State
13 law. Whenever the [board] department imposes fees or charges for
14 activities, admissions, uses or privileges, including charges
15 for concessions, at or relating to State parks, [such] the
16 charges or fees shall be used solely for the acquisition,
17 maintenance, operation or administration of the State parks
18 systems, and are hereby appropriated for [such] those purposes.
19 The [board] department shall not adopt or impose any charges or
20 fees for parking or general admission to State parks unless the
21 charges were imposed prior to January 1, 1984. The [board]
22 department may continue to impose and modify parking charges and
23 fees applicable to specific services or units within the State
24 park system which were imposed prior to January 1, 1984, and may
25 impose charges or fees for admission to and for use of specific
26 services and facilities in State parks.

27 (g) The [board] department shall establish [such] rules and
28 regulations, not inconsistent with law, for the control,
29 management, protection, utilization[, development, occupancy[,]
30 and use[, of the lands and resources of the State forests[, as

1 the department deems proper, to conserve the interests of the
2 Commonwealth. Such]. The rules and regulations shall be
3 compatible with the purposes for which the State forests are
4 created, namely to provide a continuous supply of timber,
5 lumber, wood[,] and other forest products, to protect the
6 watersheds, conserve the waters, [and] regulate the flow of
7 rivers and streams of [the State] this Commonwealth and [to
8 furnish opportunities for healthful recreation to the public]
9 maintain and manage existing public recreation opportunities.

10 (h) [Any] A person may petition the [Environmental Quality
11 Board] department to initiate a rule making proceeding for the
12 issuance, amendment or repeal of a regulation administered and
13 enforced by the department.

14 (i) The [chairman of the Environmental Quality Board]
15 secretary may suspend any regulation promulgated solely to meet
16 a requirement of the Surface Mining Control and Reclamation Act
17 of 1977[, Public Law 95-87] (Public Law 95-87, 30 U.S.C. § 1201
18 et seq.), when the requirement is no longer binding upon
19 Pennsylvania. Notice of the suspension shall be published in the
20 Pennsylvania Bulletin. Within sixty days after the suspension,
21 the [Environmental Quality Board] department shall reconsider
22 the suspended regulation and shall promulgate, amend or repeal
23 the regulation pursuant to the requirements of the act of July
24 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
25 Documents Law.

26 (j) The [board] department shall promulgate regulations
27 under the act of June 22, 1937 (P.L.1987, No.394), known as "The
28 Clean Streams Law," or other laws of this Commonwealth that
29 require that the water quality criteria for manganese
30 established under 25 Pa. Code Ch. 93 (relating to water quality

1 standards) shall be met, consistent with the exception in 25 Pa.
2 Code § 96.3(d) (relating to water quality protection
3 requirements). Within ninety days of the effective date of this
4 subsection, the [board] department shall promulgate proposed
5 regulations.

6 (k) The following apply:

7 (1) The powers and duties vested in the Environmental
8 Quality Board are transferred to the department, which shall
9 exercise the powers and perform the duties that the
10 Environmental Quality Board exercised or performed prior to the
11 effective date of this subsection.

12 (2) Any reference to the Environmental Quality Board under a
13 statute or regulation that was in effect before the effective
14 date of this subsection shall be deemed a reference to the
15 department.

16 (3) All personnel, allocations, appropriations, equipment,
17 files, records, contracts, agreements, obligations and other
18 materials used, employed or expended by the Environmental
19 Quality Board are transferred to the department. Any contract,
20 agreement or obligation incurred or entered into by the
21 Environmental Quality Board shall be deemed to have been
22 incurred or entered into by the department.

23 (4) Any personnel transferred from the Environmental Quality
24 Board to the department shall retain any civil service
25 employment status assigned to the personnel.

26 (1) As used in this section, the following words and phrases
27 shall have the meanings given to them in this subsection unless
28 the context clearly indicates otherwise:

29 "Department." The Department of Environmental Protection of
30 the Commonwealth.

1 "Secretary." The Secretary of Environmental Protection.
2 Section 1930-A. Powers of [Environmental Quality Board]
3 Department of Environmental Protection.--The [Environmental
4 Quality Board] Department of Environmental Protection shall have
5 the power and [its] duty [shall be] to review any petition
6 submitted to it to designate an area as unsuitable for surface
7 mining as provided for in section 315(h) through (n) of the act
8 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
9 Law," and make designations [pursuant thereto]under that act:
10 Provided, however, That the [board or the] Department of
11 Environmental [Resources] Protection shall not make [such] the
12 designations for surface mining operations regulated by the act
13 of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal
14 Surface Mining Conservation and Reclamation Act." This section
15 shall not apply to any petition to designate an area as
16 unsuitable for noncoal mining operations filed with the
17 Department of Environmental [Resources] Protection prior to July
18 30, 1992.

19 Section 5. All acts or parts of acts are repealed insofar as
20 they are inconsistent with this act.

21 Section 6. All activities regarding the powers and duties of
22 the Environmental Quality Board that were initiated before the
23 effective date of this act shall continue and remain in full
24 force and effect and may be completed by the Department of
25 Environmental Protection. Orders, regulations, rules and
26 decisions that were made under the authority of the
27 Environmental Quality Board and that were in effect on the
28 effective date of this section shall remain in full force and
29 effect until revoked, vacated or modified by the Department of
30 Environmental Protection. Contracts, obligations and collective

1 bargaining agreements entered into by the Environmental Quality
2 Board are not affected nor impaired by the transfer of the
3 powers and duties of the Environmental Quality Board to the
4 Department of Environmental Protection.

5 Section 7. This act shall take effect in 60 days.