
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 314

Session of
1983

INTRODUCED BY STEIGHNER, BOYES, GEORGE, NOYE, MERRY, KUKOVICH,
CIMINI, WACHOB, COY, DeWEESE, MICHLOVIC, DOMBROWSKI, RYBAK,
PISTELLA, ALDERETTE, STEVENS, F. TAYLOR, VAN HORNE,
COLAFELLA, D. R. WRIGHT AND WOZNIAK, MARCH 1, 1983

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 13, 1984

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; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," FURTHER PROVIDING FOR THE <—
21 STATE UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL; FURTHER
22 PROVIDING FOR COOPERATION WITH MUNICIPALITIES; PROVIDING FOR
23 DEPARTMENTAL AGREEMENTS FOR DELEGATION OF POWERS; PROVIDING
24 FOR WATER AND SEWAGE LINE RIGHTS-OF-WAY IN STATE PARKS; AND <—
25 PROVIDING FOR WATER UTILIZATION PERMITS; restricting the <—
26 powers of the Environmental Quality Board as to fees charged
27 to the public relating to the use of State parks; <—
28 ESTABLISHING JURISDICTION OVER A CERTAIN AIRPORT IN THE
29 DEPARTMENT OF GENERAL SERVICES; AND MAKING REPEALS.

30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—
3 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING A
4 SECTION TO READ:

5 SECTION 442.2. STATE UNEMPLOYMENT COMPENSATION ADVISORY
6 COUNCIL.--(A) THERE IS HEREBY CREATED THE STATE UNEMPLOYMENT
7 COMPENSATION ADVISORY COUNCIL TO BE COMPOSED OF NINETEEN MEMBERS
8 WHICH SHALL CONSIST OF:

9 (1) THE SECRETARY OF LABOR AND INDUSTRY, OR HIS DESIGNEE.

10 (2) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE
11 COMMITTEE ON LABOR AND INDUSTRY, OR THEIR DESIGNEES.

12 (3) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HOUSE
13 COMMITTEE ON LABOR RELATIONS, OR THEIR DESIGNEES.

14 (4) FOURTEEN INDIVIDUALS APPOINTED BY THE GOVERNOR WHICH
15 SHALL INCLUDE:

16 (I) FOUR EMPLOYE REPRESENTATIVES WHO SHALL BE APPOINTED FROM
17 A LIST SUPPLIED BY THE PENNSYLVANIA AFL-CIO.

18 (II) FOUR EMPLOYER REPRESENTATIVES WHO SHALL BE APPOINTED
19 FROM A LIST SUPPLIED BY THE PENNSYLVANIA CHAMBER OF COMMERCE.

20 (III) SIX INDIVIDUALS, OF WHOM NO MORE THAN THREE SHALL
21 REPRESENT EMPLOYERS AND NO MORE THAN THREE SHALL REPRESENT
22 EMPLOYES.

23 (B) MEMBERS SHALL BE APPOINTED FOR TWO-YEAR TERMS COMMENCING
24 ON FEBRUARY 1 OF EACH ODD-NUMBERED YEAR. INITIAL APPOINTMENTS
25 SHALL BE MADE WITHIN SIXTY (60) DAYS OF FINAL ENACTMENT OF THIS
26 ACT AND SHALL EXPIRE ON JANUARY 30, 1985.

27 (C) MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION BUT
28 SHALL BE ENTITLED TO RECEIVE AN ALLOWANCE FOR EXPENSES INCURRED
29 IN THE PERFORMANCE OF THEIR DUTIES.

30 (D) THE SECRETARY OF LABOR AND INDUSTRY SHALL BE THE

1 CHAIRMAN OF THE COUNCIL. THE COUNCIL SHALL MEET AT LEAST FOUR
2 TIMES EACH YEAR.

3 (E) THE COUNCIL MAY, UPON A MAJORITY VOTE, APPOINT AN
4 EXECUTIVE DIRECTOR AND ONE CLERICAL ASSISTANT, AND ESTABLISH
5 THEIR COMPENSATION, TO AID THE COUNCIL IN THE PERFORMANCE OF ITS
6 FUNCTIONS. THE COMPENSATION OF SUCH EMPLOYEES AND THE AMOUNT
7 ALLOWED THEM FOR TRAVELING AND OTHER INCIDENTAL EXPENSES SHALL
8 BE DEEMED PART OF THE EXPENSES INCURRED IN CONNECTION WITH THE
9 ADMINISTRATION OF THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS.,
10 1937 P.L.2897, NO.1), KNOWN AS THE "UNEMPLOYMENT COMPENSATION
11 LAW."

12 (F) THE COUNCIL SHALL CONSIDER AND ADVISE THE DEPARTMENT
13 UPON ALL MATTERS RELATED TO THE ADMINISTRATION OF THE
14 "UNEMPLOYMENT COMPENSATION LAW," INCLUDING THE FORMULATION OF
15 POLICIES ASSURING IMPARTIALITY AND FREEDOM FROM POLITICAL
16 INFLUENCE IN ITS ADMINISTRATION, AND MAKING STUDIES RELATING TO
17 UNEMPLOYMENT AND UNEMPLOYMENT COMPENSATION PAYMENTS. SUCH
18 COUNCIL MAY RECOMMEND TO THE GOVERNOR AND THE GENERAL ASSEMBLY
19 UPON ITS OWN INITIATIVE SUCH CHANGES IN THE PROVISIONS OF THE
20 "UNEMPLOYMENT COMPENSATION LAW," AND IN THE ADMINISTRATION
21 THEREOF AS IT DEEMS NECESSARY AND SHALL MAKE PERIODIC REPORTS TO
22 THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING THE FINDINGS OF
23 ITS STUDIES AND THE PERFORMANCE OF ITS DUTIES AND FUNCTIONS. THE
24 COUNCIL SHALL HAVE FULL ACCESS TO INFORMATION RELATING TO THE
25 PURPOSE OF THE "UNEMPLOYMENT COMPENSATION LAW," PROVIDED THE
26 DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE ANY INFORMATION
27 WHICH WOULD SPECIFICALLY IDENTIFY ANY EMPLOYER, EMPLOYEE OR
28 CLAIMANT.

29 (G) THE GOVERNOR SHALL HAVE THE POWER TO CREATE SUCH LOCAL
30 ADVISORY COUNCILS AS THE STATE ADVISORY COUNCIL MAY DEEM

1 NECESSARY FOR THE EFFICIENT PERFORMANCE OF ITS FUNCTIONS. SUCH
2 LOCAL ADVISORY COUNCILS SHALL BE COMPOSED OF AN EQUAL NUMBER OF
3 MEMBERS REPRESENTING EMPLOYERS, EMPLOYES AND THE PUBLIC AND
4 SHALL BE APPOINTED BY THE GOVERNOR.

5 (H) THE MEMBERS OF LOCAL ADVISORY COUNCILS SHALL SERVE
6 WITHOUT COMPENSATION BUT SHALL BE ENTITLED TO BE REIMBURSED OUT
7 OF THE ADMINISTRATION FUND FOR ALL NECESSARY EXPENSES INCURRED
8 IN THE DISCHARGE OF THEIR DUTIES.

9 (I) THE STATE ADVISORY COUNCIL UPON REQUEST SHALL BE GIVEN
10 COPIES OF ANY REPORT MADE BY THE DEPARTMENT TO THE UNITED STATES
11 DEPARTMENT OF LABOR AND SHALL HAVE ACCESS TO ANY OTHER
12 INFORMATION REQUESTED BY THE COUNCIL, INCLUDING, BUT NOT LIMITED
13 TO:

14 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
15 COVERED LABOR FORCE.

16 (2) CLAIMS DATA.

17 (3) PAYMENT DATA.

18 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
19 MINIMUM EARNINGS REQUIREMENT.

20 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.

21 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
22 BENEFITS.

23 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.

24 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
25 AND NUMBER OF EMPLOYERS.

26 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT COMPENSATION FUND.

27 (10) INCOME OF THE UNEMPLOYMENT COMPENSATION FUND.

28 (11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
29 UNEMPLOYMENT COMPENSATION FUND.

30 (12) STATUS OF THE UNEMPLOYMENT COMPENSATION FUND.

1 (13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.

2 (14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.

3 (15) RESERVE RATIO CONTRIBUTIONS RECEIVED.

4 (16) BENEFIT RATIO CONTRIBUTIONS RECEIVED.

5 AT THE DISCRETION OF THE COUNCIL, THIS INFORMATION SHALL BE
6 PROVIDED ON COMPUTER TAPE IF THE INFORMATION IS ON COMPUTER
7 TAPE. THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE ANY
8 INFORMATION WHICH WOULD SPECIFICALLY IDENTIFY ANY EMPLOYER,
9 EMPLOYEE OR CLAIMANT.

10 (J) THE COUNCIL SHALL HAVE THE AUTHORITY TO AUTHORIZE THE
11 PREPARATION OF AN ANNUAL FINANCIAL ANALYSIS OF THE UNEMPLOYMENT
12 COMPENSATION FUND AND MAY CONTRACT WITH AN INDEPENDENT ACTUARIAL
13 FIRM OF CERTIFIED ACTUARIES AND SUCH OTHER CONSULTANTS AS MAY BE
14 NECESSARY TO PERFORM SUCH THOROUGH ANNUAL FINANCIAL ANALYSIS.
15 THE DEPARTMENT SHALL SUPPLY THE ACTUARIES WITH ALL INFORMATION
16 REQUIRED TO PERFORM THIS ANALYSIS AS THE ACTUARIES MAY REQUIRE,
17 PROVIDED THE DEPARTMENT SHALL NOT BE REQUIRED TO PROVIDE ANY
18 INFORMATION WHICH WOULD SPECIFICALLY IDENTIFY ANY EMPLOYER,
19 EMPLOYEE OR CLAIMANT. THIS ANALYSIS, IF AUTHORIZED, SHALL BE
20 COMPLETED BY SEPTEMBER 1 OF EACH YEAR FOR THE PREVIOUS CALENDAR
21 YEAR. THE ANALYSIS REPORT SHALL BE GIVEN TO THE GOVERNOR, THE
22 SECRETARY, THE STATE ADVISORY COUNCIL, THE GENERAL ASSEMBLY AND
23 SHALL BE MADE AVAILABLE TO THE PUBLIC. THE ANALYSIS SHALL
24 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

25 (1) THE SOLVENCY OF THE FUND.

26 (2) THE EFFECT UPON THE FUND OF:

27 (I) CHANGES IN STATE AND FEDERAL LAW;

28 (II) STATE AND FEDERAL COURT DECISIONS; OR

29 (III) THE STATE AND NATIONAL ECONOMIC SITUATION.

30 (3) A THREE-YEAR PROJECTION OF THE CONDITION OF THE FUND.

1 (K) THE DEPARTMENT SHALL ALSO PREPARE AND PRESENT TO THE
2 GOVERNOR AND THE GENERAL ASSEMBLY, ON OR BEFORE THE FIRST DAY OF
3 MARCH OF EACH YEAR, AN EVALUATION OF THE FINANCIAL OPERATIONS OF
4 THE UNEMPLOYMENT COMPENSATION PROGRAM, TOGETHER WITH ITS
5 FINDINGS AND RECOMMENDATIONS FOR DEVELOPING AND IMPROVING
6 SOLVENCY OF THE FUND AND ADJUSTING AND REGULATING INCOME AND
7 DISBURSEMENTS IN THE FIELDS OF CONTRIBUTIONS AND BENEFITS. SUCH
8 REPORT SHALL INCLUDE THE PRESENTATION OF THE CURRENT ECONOMIC
9 TRENDS, STATISTICS AND ANALYSES ON WHICH THE EVALUATION IS
10 BASED. THIS EVALUATION SHALL INCLUDE ALL OF THE FOLLOWING:

11 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
12 COVERED LABOR FORCE.

13 (2) CLAIMS DATA.

14 (3) PAYMENT DATA.

15 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
16 MINIMUM EARNINGS REQUIREMENT.

17 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.

18 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
19 BENEFITS.

20 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.

21 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
22 AND NUMBER OF EMPLOYERS.

23 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT FUND.

24 (10) INCOME OF THE UNEMPLOYMENT FUND.

25 (11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
26 UNEMPLOYMENT FUND.

27 (12) STATUS OF THE UNEMPLOYMENT FUND.

28 (13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.

29 (14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.

30 (15) RESERVE RATIO CONTRIBUTIONS RECEIVED.

1 (16) BENEFIT RATIO CONTRIBUTIONS RECEIVED.

2 (L) AS USED IN THIS SECTION:

3 (1) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF LABOR AND
4 INDUSTRY.

5 (2) "SECRETARY" SHALL MEAN THE SECRETARY OF LABOR AND
6 INDUSTRY.

7 SECTION ~~±~~ 2. SECTION 1905-A OF THE ACT ~~OF APRIL 9, 1929~~ <—
8 ~~(P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,~~
9 AMENDED FEBRUARY 17, 1984 (P.L.75, NO.14), IS AMENDED TO READ:

10 SECTION 1905-A. COOPERATION WITH MUNICIPALITIES.--(A) THE
11 DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL COOPERATE WITH
12 MUNICIPALITIES IN THE CONSTRUCTION AND COMPLETION OF PROJECTS
13 AND IMPROVEMENTS FOR THE CONSERVATION OF WATER AND THE CONTROL
14 OF FLOODS. FOR THIS PURPOSE, THE DEPARTMENT SHALL HAVE THE POWER
15 TO USE AND EXPEND ANY FUNDS ADVANCED BY MUNICIPALITIES, UNDER
16 AUTHORITY OF LAW, ON THE PROJECTS AND IMPROVEMENTS DESIGNATED,
17 WHEN SUCH FUNDS ARE ADVANCED, IN THE SAME MANNER AS IT EXPENDS
18 ANY FUNDS APPROPRIATED BY THE COMMONWEALTH FOR SIMILAR PURPOSES.

19 (B) (1) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL
20 REQUIRE EVERY APPLICANT FOR THE FOLLOWING PERMITS AND PERMIT
21 REVISIONS TO GIVE WRITTEN NOTICE TO EACH MUNICIPALITY IN WHICH
22 THE ACTIVITIES ARE LOCATED:

23 (I) AIR QUALITY PERMITS APPLIED FOR PURSUANT TO THE ACT OF
24 JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE "AIR
25 POLLUTION CONTROL ACT."

26 (II) WATER ALLOCATION PERMITS APPLIED FOR PURSUANT TO THE
27 ACT OF JUNE 24, 1939 (P.L.842, NO.365), ENTITLED "AN ACT
28 RELATING TO THE ACQUISITION OF RIGHTS TO DIVERT WATER FROM
29 RIVERS, STREAMS, NATURAL LAKES, AND PONDS, OR OTHER SURFACE
30 WATERS WITHIN THE COMMONWEALTH OR PARTLY WITHIN AND PARTLY

1 WITHOUT THE COMMONWEALTH; DEFINING VARIOUS WORDS AND PHRASES;
2 VESTING IN THE WATER AND POWER RESOURCES BOARD CERTAIN POWERS
3 AND AUTHORITIES FOR THE CONSERVATION, CONTROL AND EQUITABLE USE
4 OF THE WATERS WITHIN THE COMMONWEALTH IN THE INTERESTS OF THE
5 PEOPLE OF THE COMMONWEALTH; MAKING AVAILABLE FOR PUBLIC WATER
6 SUPPLY PURPOSES, WATER RIGHTS HERETOFORE OR HEREAFTER ACQUIRED
7 BUT NOT USED; PROVIDING FOR HEARINGS BY THE WATER AND POWER
8 RESOURCES BOARD AND FOR APPEALS FROM ITS DECISIONS; FIXING FEES;
9 GRANTING TO ALL PUBLIC WATER SUPPLY AGENCIES HERETOFORE OR
10 HEREAFTER CREATED THE RIGHT OF EMINENT DOMAIN AS TO WATERS AND
11 THE LAND COVERED BY SAID WATERS; REPEALING ALL ACTS OR PARTS OF
12 ACTS INCONSISTENT HERewith, INCLUDING ACT NO.109, PAMPHLET LAWS
13 152, APPROVED APRIL 13, 1905, ACT NO.307, PAMPHLET LAWS 455,
14 APPROVED JUNE 7, 1907, ACT NO.64, PAMPHLET LAWS 258, APPROVED
15 APRIL 8, 1937."

16 (III) WATER OBSTRUCTION PERMITS APPLIED FOR PURSUANT TO THE
17 ACT OF NOVEMBER 26, 1978 (P.L.1375, NO.325), KNOWN AS THE "DAM
18 SAFETY AND ENCROACHMENTS ACT."

19 (IV) WATER QUALITY PERMITS, EXCEPT PERMITS RELATING TO COAL
20 MINING ACTIVITIES, APPLIED FOR PURSUANT TO THE ACT OF JUNE 22,
21 1937 (P.L.1987, NO.394), KNOWN AS "THE CLEAN STREAMS LAW."

22 (V) SOLID WASTE AND HAZARDOUS WASTE PERMITS APPLIED FOR
23 PURSUANT TO THE ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS
24 THE "SOLID WASTE MANAGEMENT ACT."

25 (2) IN THE CASE OF WRITTEN NOTICES SENT PURSUANT TO
26 SUBCLAUSES (I), (II), (III) AND (IV), THE WRITTEN NOTICES [SHALL
27 BE RECEIVED BY THE MUNICIPALITIES AT LEAST THIRTY (30) DAYS
28 BEFORE THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MAY ISSUE OR
29 DENY THE PERMIT.] SHALL BE SENT TO THE MUNICIPALITY UPON
30 SUBMISSION OF THE PERMIT APPLICATION TO THE DEPARTMENT OF

1 ENVIRONMENTAL RESOURCES. THE PERMIT APPLICANT SHALL SUBMIT PROOF
2 THAT THE MUNICIPALITY HAS RECEIVED THE REQUIRED NOTICE TO THE
3 DEPARTMENT OF ENVIRONMENTAL RESOURCES. THE DEPARTMENT OF
4 ENVIRONMENTAL RESOURCES MAY NOT TAKE ANY FINAL ACTION ON THE
5 PERMIT APPLICATION UNTIL THIRTY (30) DAYS FROM THE DATE IT HAS
6 RECEIVED PROOF THAT THE MUNICIPALITY HAS RECEIVED WRITTEN NOTICE
7 OF THE PERMIT APPLICATION. IN THE CASE OF WRITTEN NOTICES SENT
8 PURSUANT TO SUBCLAUSE (V), [THE WRITTEN NOTICES SHALL BE
9 RECEIVED BY THE MUNICIPALITIES AT LEAST SIXTY (60) DAYS BEFORE
10 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MAY ISSUE OR DENY THE
11 PERMIT.] THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MAY NOT TAKE
12 ANY FINAL ACTION ON THE PERMIT APPLICATION UNTIL SIXTY (60) DAYS
13 FROM THE DATE IT HAS RECEIVED PROOF THAT THE MUNICIPALITY HAS
14 RECEIVED WRITTEN NOTICE OF THE PERMIT APPLICATION.

15 (3) IN THE EVENT OF AN EMERGENCY, AS DETERMINED BY THE
16 DEPARTMENT, REQUIRING IMMEDIATE ACTION TO PROTECT PUBLIC HEALTH,
17 SAFETY OR WELFARE, OR TO AVOID SUBSTANTIAL INJURY TO ANY
18 PERSONS, PROPERTY OR THE ENVIRONMENT, THE DEPARTMENT OF
19 ENVIRONMENTAL RESOURCES MAY ISSUE AN EMERGENCY PERMIT, DENY A
20 PERMIT OR TAKE SUCH OTHER ACTION AS MAY BE REQUIRED, WITHOUT
21 REGARD TO THE NOTICE PROVISIONS OF THIS SUBSECTION. THE
22 DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL PROVIDE NOTICE OF
23 SUCH EMERGENCY ACTION TO EACH MUNICIPALITY IN WHICH THE
24 ACTIVITIES ARE LOCATED WITHIN FIVE (5) DAYS OF ISSUING THE
25 EMERGENCY PERMIT.

26 [(3)] (4) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY
27 TO PERMITS RELATING TO COAL MINING ACTIVITIES ISSUED UNDER THE
28 ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS "THE CLEAN
29 STREAMS LAW," THE ACT OF MAY 31, 1945 (P.L.1198, NO.418), KNOWN
30 AS THE "SURFACE MINING CONSERVATION AND RECLAMATION ACT," THE

1 ACT OF APRIL 27, 1966 (1ST SP.SESS., P.L.31, NO.1), KNOWN AS
2 "THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT," AND
3 THE ACT OF SEPTEMBER 24, 1968 (P.L.1040, NO.318), KNOWN AS THE
4 "COAL REFUSE DISPOSAL CONTROL ACT."

5 (5) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO THE
6 ISSUANCE OF GENERAL PERMITS ON A REGIONAL OR STATEWIDE BASIS
7 AUTHORIZING CATEGORIES OF ACTIVITIES AS MAY BE ALLOWED BY
8 STATUTE. ADEQUATE NOTICE OF SUCH GENERAL PERMITS SHALL BE
9 PUBLISHED IN THE PENNSYLVANIA BULLETIN IN ACCORDANCE WITH
10 REGULATIONS ESTABLISHED BY THE ENVIRONMENTAL QUALITY BOARD.

11 (6) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO THE
12 ISSUANCE OR DENIAL OF MINOR AMENDMENTS OR REVISIONS TO PERMITS
13 WHERE SUCH AMENDMENTS OR REVISIONS WOULD NOT EXPAND OR CHANGE
14 THE SCOPE OF THE ACTIVITIES OR SUBSTANTIALLY AFFECT THE
15 ENVIRONMENTAL IMPACTS OF THE ACTIVITIES PREVIOUSLY APPROVED.

16 (7) WHERE ANY STATUTE PROVIDES A MAXIMUM TIME LIMIT FOR
17 ACTION BY THE DEPARTMENT UPON A PERMIT APPLICATION, THE TIME
18 LIMIT FOR SUCH ACTION SHALL NOT BE CALCULATED TO BEGIN UNTIL THE
19 DEPARTMENT OF ENVIRONMENTAL RESOURCES HAS RECEIVED PROOF THAT
20 THE MUNICIPALITY HAS RECEIVED WRITTEN NOTICE OF THE PERMIT
21 APPLICATION.

22 (8) NOTHING CONTAINED IN THIS SUBSECTION SHALL ALTER, EXPAND <—
23 OR OTHERWISE DELEGATE AUTHORITY TO MUNICIPALITIES TO REGULATE
24 ACTIVITIES PRESENTLY REGULATED BY THE COMMONWEALTH.

25 (C) AT ITS OPTION, THE DEPARTMENT MAY, BY WRITTEN AGREEMENT,
26 DELEGATE TO A MUNICIPALITY ONE OR MORE OF ITS REGULATORY AND
27 ENFORCEMENT FUNCTIONS FOR THE LAND APPLICATION OF SEWAGE SLUDGE
28 AND SEPTAGE UNDER THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394),
29 KNOWN AS "THE CLEAN STREAMS LAW," AND THE ACT OF JULY 7, 1980
30 (P.L.380, NO.97), KNOWN AS THE "SOLID WASTE MANAGEMENT ACT":

1 PROVIDED, THAT ANY MUNICIPALITY ACTING PURSUANT TO A DELEGATION
2 AGREEMENT SHALL HAVE THE SAME POWERS AND DUTIES OTHERWISE VESTED
3 IN THE DEPARTMENT TO IMPLEMENT THESE ACTS, TO THE EXTENT
4 DELEGATED BY AGREEMENT.

5 (1) NO DELEGATION SHALL BE MADE OF THE AUTHORITY TO ISSUE
6 PERMITS UNDER "THE CLEAN STREAMS LAW" AND THE "SOLID WASTE
7 MANAGEMENT ACT."

8 (2) EACH DELEGATION AGREEMENT SHALL:

9 (I) SPECIFY THE POWERS AND DUTIES TO BE PERFORMED BY THE
10 DELEGATED MUNICIPALITY;

11 (II) SPECIFY THE CATEGORIES OF REGULATORY OR ENFORCEMENT
12 FUNCTIONS TO BE PERFORMED BY THE DELEGATED MUNICIPALITY;

13 (III) PROVIDE FOR THE COMMITMENT BY THE DELEGATED
14 MUNICIPALITY OF SUFFICIENT TRAINED STAFF AND RESOURCES TO
15 PERFORM THE POWERS AND DUTIES TO BE DELEGATED;

16 (IV) REQUIRE THE DELEGATED MUNICIPALITY TO MAINTAIN RECORDS
17 OF ACTIVITIES PERFORMED UNDER THE DELEGATION AGREEMENT; AND

18 (V) PROVIDE FOR OVERSIGHT BY THE DEPARTMENT OF PERFORMANCE
19 BY THE DELEGATED MUNICIPALITY OF THE FUNCTIONS DELEGATED UNDER
20 THE AGREEMENT.

21 (3) ANY PERSON AGGRIEVED BY AN ACTION OF A MUNICIPALITY
22 PURSUANT TO A DELEGATION AGREEMENT MAY APPEAL SUCH ACTION WITHIN
23 THIRTY (30) DAYS FOLLOWING NOTICE OF THE ACTION.

24 (4) WHEN THE DEPARTMENT DELEGATES ONE OR MORE OF ITS
25 REGULATORY FUNCTIONS TO A MUNICIPALITY, THE DEPARTMENT WILL, IN
26 ALL CASES, RETAIN THE CONCURRENT POWER TO INSPECT AND MONITOR
27 AND TO ENFORCE THE PROVISIONS OF THE ACTS.

28 (5) THE DEPARTMENT MAY WITHDRAW A DELEGATION AGREEMENT AT
29 ANY TIME.

30 SECTION 2 3. SECTION 1906-A OF THE ACT, ADDED DECEMBER 3,

<—

1 1970 (P.L.834, NO.275), IS AMENDED BY ADDING ~~A-CLAUSE~~ CLAUSES TO <—
2 READ:

3 SECTION 1906-A. PARKS.--THE DEPARTMENT OF ENVIRONMENTAL
4 RESOURCES SHALL HAVE THE POWER, AND ITS DUTY SHALL BE:

5 * * *

6 (10) TO GRANT RIGHTS-OF-WAY IN AND THROUGH STATE PARKS TO
7 MUNICIPAL AUTHORITIES AND POLITICAL SUBDIVISIONS OF THIS
8 COMMONWEALTH FOR THE LAYING OF WATER LINES AND OF LINES FOR THE
9 TRANSPORTATION OF SEWAGE TO SEWAGE LINES OR SEWAGE TREATMENT
10 FACILITIES ON STATE PARK LAND, UNDER SUCH TERMS AND CONDITIONS,
11 INCLUDING THE PAYMENT OF FEES, AS THE DEPARTMENT MAY DEEM
12 PROPER, AND WHEN IT SHALL APPEAR THAT THE GRANT OF SUCH RIGHT-
13 OF-WAY WILL NOT SO ADVERSELY AFFECT THE LAND AS TO INTERFERE
14 WITH ITS USUAL AND ORDERLY ADMINISTRATION AND THAT THE INTERESTS
15 OF THE COMMONWEALTH OR ITS CITIZENS WILL BE PROMOTED BY SUCH
16 GRANT.

17 (11) TO ISSUE PERMITS TO INDIVIDUALS, UPON SUCH TERMS AND <—
18 SUBJECT TO SUCH RESTRICTIONS, FEES AND REGULATIONS AS THE
19 DEPARTMENT MAY DEEM PROPER, FOR THE UTILIZATION OF WATER AT A
20 STATE PARK AND FOR CONSTRUCTING, MAINTAINING AND OPERATING LINES
21 OF PIPES UPON AND THROUGH A STATE PARK FOR THE PURPOSE OF
22 CONVEYING WATER THEREFROM, WHENEVER IT SHALL BE IN THE PUBLIC
23 INTEREST TO DO SO.

24 Section ~~3~~ 4. Section 1920-A(f) of the act of ~~April 9, 1929~~ <—
25 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
26 amended July 1, 1981 (P.L.177, No.51), is amended to read:

27 Section 1920-A. Environmental Quality Board.--* * *

28 (f) The board shall establish such rules and regulations,
29 not inconsistent with law, for the control, management,
30 protection, utilization, development, occupancy and use of the

1 lands and resources of State parks, as it may deem necessary to
2 conserve the interests of the Commonwealth. Such rules and
3 regulations shall be compatible with the purposes for which
4 State parks are created. Whenever the board imposes fees or
5 charges for activities, admissions, uses or privileges,
6 including charges for concessions, at or relating to State
7 parks, such charges or fees shall be used solely for the
8 acquisition, maintenance, operation or administration of the
9 State parks systems, and are hereby appropriated for such
10 purposes. ~~After the effective date of this amendatory act, no~~ <—
11 ~~charges or fees shall be imposed by the board on the public for~~
12 ~~parking or admission to State parks.~~ THE BOARD SHALL NOT ADOPT <—
13 OR IMPOSE ANY CHARGES OR FEES FOR PARKING OR GENERAL ADMISSION
14 TO STATE PARKS UNLESS THE CHARGES WERE IMPOSED PRIOR TO JANUARY
15 1, 1984. THE BOARD MAY CONTINUE TO IMPOSE AND MODIFY PARKING
16 CHARGES AND FEES APPLICABLE TO SPECIFIC SERVICES OR UNITS WITHIN
17 THE STATE PARK SYSTEM WHICH WERE IMPOSED PRIOR TO JANUARY 1,
18 1984, AND MAY IMPOSE CHARGES OR FEES FOR ADMISSION TO AND FOR
19 USE OF SPECIFIC SERVICES AND FACILITIES IN STATE PARKS.

20 * * *

21 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—
22 SECTION 2418. CERTAIN STATE-OWNED AIRPORT.--NOTWITHSTANDING
23 ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL RIGHT, TITLE AND
24 INTEREST IN THE PROPERTY KNOWN AS MID-STATE AIRPORT LOCATED IN
25 CENTRE COUNTY, CONTAINING 496.68 ACRES, MORE OR LESS, INCLUDING
26 THE PRESENT ACCESS ROAD FROM L.R. 504 TO AND INTO MID-STATE
27 AIRPORT, SHALL BE TRANSFERRED TO AND HELD WITHIN THE
28 JURISDICTION AND CONTROL OF THE DEPARTMENT OF GENERAL SERVICES
29 FOR ALL PURPOSES, AND THE DEPARTMENT OF GENERAL SERVICES SHALL
30 HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO MID-STATE

1 AIRPORT AS IT HAS WITH RESPECT TO OTHER REAL ESTATE UNDER ITS
2 JURISDICTION, WITH THE EXCEPTION THAT THE FACILITIES CURRENTLY
3 OWNED, USED AND OPERATED AT MID-STATE AIRPORT BY THE DEPARTMENT
4 OF ENVIRONMENTAL RESOURCES FOR WILD FIRE ATTACK OPERATIONS AND
5 FULL ACCESS THERETO BY LAND AND BY AIR SHALL REMAIN, WITHOUT
6 CHARGE OF ANY KIND, IN THE DEPARTMENT OF ENVIRONMENTAL
7 RESOURCES, IT BEING INTENDED THAT NOTHING HEREIN SHALL DIMINISH
8 THE ABILITY OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES TO
9 CONTINUE ITS WILD FIRE AIR ATTACK OPERATIONS AS CONDUCTED AT AND
10 OUT OF MID-STATE AIRPORT PRIOR TO THE EFFECTIVE DATE HEREOF.
11 BECAUSE THIS INVOLVES A TRANSFER OF STATE FOREST AND STATE PARK
12 LANDS, NO FUTURE USE OF MID-STATE AIRPORT SHALL IMPAIR IN ANY
13 WAY THE INTEGRITY OF THE ADJACENT STATE FOREST AND STATE PARK
14 LANDS AND THEIR ECOSYSTEMS. IF AT ANY TIME THE JURISDICTION AND
15 CONTROL OF THE LAND HEREIN TRANSFERRED ENTAILS SIGNIFICANT
16 MAINTENANCE AND OPERATION RESPONSIBILITIES FOR THE DEPARTMENT OF
17 GENERAL SERVICES, THEN AND THEREAFTER THE JURISDICTION AND
18 CONTROL OF THE LAND SHALL BE TRANSFERRED TO THE DEPARTMENT OF
19 TRANSPORTATION.

20 SECTION 6. THE PROPERTY TO BE TRANSFERRED TO THE DEPARTMENT
21 OF GENERAL SERVICES PURSUANT TO SECTION 2418 IS DESCRIBED AS
22 FOLLOWS:

23 ALL THAT CERTAIN PIECE OR PARCEL OF LAND WITH THE
24 IMPROVEMENTS THEREON ERECTED, SITUATE IN RUSH TOWNSHIP, CENTRE
25 COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

26 BEGINNING AT A POINT, SAID POINT BEING NORTH 23 DEGREES 42
27 MINUTES 07 SECONDS WEST, 800.00 FEET FROM THE END OF RUNWAY 16
28 AND NORTH 66 DEGREES 17 MINUTES 53 SECONDS EAST, 1964.55 FEET
29 FROM THE CENTERLINE OF RUNWAY 16-34; THENCE SOUTH 23 DEGREES 42
30 MINUTES 07 SECONDS EAST, 3720.88 FEET MORE OR LESS TO A POINT ON

1 THE NORTHERLY BUILDING RESTRICTION OF RUNWAY 6-24, SAID POINT
2 ALSO BEING 500.00 FEET FROM CENTERLINE OF RUNWAY 6-24; THENCE
3 SOUTH 40 DEGREES 04 MINUTES 16 SECONDS EAST, AND AT ALL TIMES
4 300.00 FEET FROM THE EASTERLY END OF RUNWAY 6-24, 449.23 FEET
5 MORE OR LESS TO A POINT; THENCE NORTH 49 DEGREES 55 MINUTES 44
6 SECONDS EAST, 1160.00 FEET MORE OR LESS TO A POINT, SAID POINT
7 BEING 1450.00 FEET FROM THE EASTERLY END OF RUNWAY 6-24; THENCE
8 SOUTH 40 DEGREES 04 MINUTES 16 SECONDS EAST, 100.00 FEET TO A
9 POINT; THENCE SOUTH 49 DEGREES 44 MINUTES WEST, 1160.00 FEET
10 MORE OR LESS TO A POINT; THENCE SOUTH 40 DEGREES 04 MINUTES 16
11 SECONDS EAST, 449.23 FEET MORE OR LESS TO A POINT, SAID POINT
12 BEING 500.00 FEET FROM THE CENTERLINE OF RUNWAY 6-24; THENCE
13 SOUTH 49 DEGREES 55 MINUTES 44 SECONDS WEST, 1539.98 FEET MORE
14 OR LESS TO A POINT; THENCE SOUTH 23 DEGREES 42 MINUTES 07
15 SECONDS EAST AND AT ALL TIMES 750.00 FEET FROM THE CENTERLINE OF
16 RUNWAY 16-34, 2650.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH
17 66 DEGREES 17 MINUTES 53 SECONDS WEST, 1500.00 FEET TO A POINT;
18 THENCE NORTH 23 DEGREES 42 MINUTES 07 SECONDS WEST AND AT ALL
19 TIMES 750.00 FEET FROM THE CENTERLINE OF RUNWAY 16-34, 1900.00
20 FEET MORE OR LESS TO A POINT; THENCE NORTH 76 DEGREES 53 MINUTES
21 44 SECONDS WEST, 359.54 FEET TO A POINT; THENCE SOUTH 49 DEGREES
22 55 MINUTES 44 SECONDS WEST, AT ALL TIMES 500.00 FEET FROM THE
23 CENTERLINE OF RUNWAY 6-24, 2246.98 FEET MORE OR LESS TO A POINT;
24 THENCE NORTH 40 DEGREES 04 MINUTES 16 SECONDS WEST, 999.46 FEET
25 MORE OR LESS TO A POINT, SAID POINT BEING 500.00 FEET FROM THE
26 CENTERLINE OF RUNWAY 6-24; THENCE BY SAME BOUNDARY LINE AND AT
27 ALL TIMES 500.00 FEET FROM THE CENTERLINE OF RUNWAY 6-24 NORTH
28 49 DEGREES 55 MINUTES 44 SECONDS EAST, 2606.98 FEET MORE OR LESS
29 TO A POINT; THENCE NORTH 13 DEGREES 06 MINUTES 49 SECONDS EAST,
30 352.24 FEET TO A POINT; SAID POINT BEING THE WESTERLY BUILDING

1 RESTRICTION LINE OF RUNWAY 16-34; THENCE BY SAID LINE, NORTH 23
2 DEGREES 42 MINUTES 07 SECONDS WEST, AND AT ALL TIMES 750.00 FEET
3 FROM THE CENTERLINE OF RUNWAY 16-34, 4280.00 FEET MORE OR LESS
4 TO A POINT; THENCE NORTH 45 DEGREES 40 MINUTES EAST, 582.00 FEET
5 MORE OR LESS TO A POINT, SAID POINT BEING 200.00 FEET WESTERLY
6 OF THE PROJECTED CENTERLINE OF RUNWAY 16-34; THENCE NORTH 23
7 DEGREES 42 MINUTES 07 SECONDS WEST, 1420.00 FEET MORE OR LESS TO
8 A POINT; THENCE NORTH 66 DEGREES 17 MINUTES 53 DEGREES EAST,
9 100.00 FEET TO A POINT; THENCE NORTH 23 DEGREES 42 MINUTES 07
10 SECONDS WEST, 1615.00 FEET MORE OR LESS TO A POINT; THENCE NORTH
11 66 DEGREES 17 MINUTES 53 SECONDS EAST, 200.00 FEET TO A POINT;
12 THENCE SOUTH 23 DEGREES 42 MINUTES 07 SECONDS EAST, 1615.00 FEET
13 MORE OR LESS TO A POINT; THENCE NORTH 66 DEGREES 17 MINUTES 53
14 SECONDS EAST, 100.00 FEET TO A POINT; THENCE SOUTH 23 DEGREES 42
15 MINUTES 07 SECONDS EAST AND AT ALL TIMES 200.00 FEET FROM THE
16 PROJECTED CENTERLINE OF RUNWAY 16-34, 1600.00 FEET MORE OR LESS
17 TO A POINT; THENCE NORTH 66 DEGREES 17 MINUTES 53 SECONDS EAST,
18 1764.55 FEET MORE OR LESS TO A POINT AND PLACE OF BEGINNING.

19 CONTAINING 496.68 ACRES MORE OR LESS.

20 SECTION 7. (A) THE FIRST THREE OF THE LAST FIVE SENTENCES
21 IN SECTION 201(A) OF THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS.,
22 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION
23 LAW, WHICH READ AS FOLLOWS, ARE REPEALED: "THE DEPARTMENT SHALL
24 ALSO PREPARE AND PRESENT TO THE GOVERNOR AND THE GENERAL
25 ASSEMBLY, ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER OF EACH
26 YEAR, AN ACTUARIAL EVALUATION OF THE FINANCIAL OPERATIONS OF THE
27 UNEMPLOYMENT COMPENSATION PROGRAM, TOGETHER WITH ITS FINDINGS
28 AND RECOMMENDATIONS FOR DEVELOPING AND IMPROVING SOLVENCY OF THE
29 FUND AND ADJUSTING AND REGULATING INCOME AND DISBURSEMENTS IN
30 THE FIELDS OF CONTRIBUTIONS AND BENEFITS. SUCH REPORT SHALL

1 INCLUDE THE PRESENTATION OF THE CURRENT ECONOMIC TRENDS,
2 STATISTICS AND ANALYSES ON WHICH THE EVALUATION IS BASED.
3 THIS EVALUATION SHALL INCLUDE ALL OF THE FOLLOWING:
4 (1) STATISTICS RELATING TO POPULATION, LABOR FORCE AND
5 COVERED LABOR FORCE.
6 (2) CLAIMS DATA.
7 (3) PAYMENT DATA.
8 (4) MINIMUM, MAXIMUM, AVERAGE WEEKLY BENEFIT AMOUNT AND
9 MINIMUM EARNINGS REQUIREMENT.
10 (5) FEDERAL-STATE EXTENDED BENEFITS PROGRAM.
11 (6) NUMBER OF NONMONETARY DETERMINATIONS FOR UNEMPLOYMENT
12 BENEFITS.
13 (7) EXPERIENCE OF REIMBURSABLE AND CONTRIBUTORY EMPLOYERS.
14 (8) TAX RATES BY INDUSTRY, TAXABLE PAYROLL, TOTAL PAYROLL
15 AND NUMBER OF EMPLOYERS.
16 (9) DISBURSEMENTS FROM THE UNEMPLOYMENT FUND.
17 (10) INCOME OF THE UNEMPLOYMENT FUND.
18 (11) DIFFERENCE BETWEEN INCOME AND DISBURSEMENTS OF THE
19 UNEMPLOYMENT FUND.
20 (12) STATUS OF THE UNEMPLOYMENT FUND.
21 (13) EXPERIENCE RATING FACTORS OF INSURED EMPLOYERS.
22 (14) NET RESERVE OR DEFICIT OF ACTIVE EMPLOYER ACCOUNTS.
23 (15) RESERVE RATIO CONTRIBUTIONS RECEIVED.
24 (16) BENEFIT RATIO CONTRIBUTIONS RECEIVED."
25 (B) SECTIONS 204 AND 211 OF THE ACT OF DECEMBER 5, 1936 (2ND
26 SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
27 COMPENSATION LAW, ARE REPEALED.

28 SECTION 8. INITIAL APPOINTMENTS TO THE STATE UNEMPLOYMENT
29 COMPENSATION ADVISORY COUNCIL SHALL BE MADE WITHIN 60 DAYS OF
30 THE EFFECTIVE DATE OF THIS ACT. THE INITIAL MEETING OF THE

1 COUNCIL SHALL BE CALLED BY THE SECRETARY OF LABOR AND INDUSTRY
2 AND SHALL OCCUR WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS
3 ACT.

4 Section 4 9. This act shall take effect immediately.

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