

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1274** Session of  
1983

INTRODUCED BY STEWART, BELFANTI, SIRIANNI, CLARK, WOZNIAK,  
COLAFELLA, WACHOB, J. L. WRIGHT, LIVENGOOD, BURD, BOWSER,  
MILLER, McVERRY, MARMION, BOOK, MOWERY, BURNS, DOMBROWSKI,  
LETTERMAN, D. R. WRIGHT, SWEET, KUKOVICH AND FARGO, JUNE 28,  
1983

REFERRED TO COMMITTEE ON CONSERVATION, JUNE 28, 1983

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 employees 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 employees of certain departments, boards and  
20 commissions shall be determined," creating a department to be  
21 known as the Department of Resource Regulation and  
22 Enforcement; transferring certain powers and duties; and  
23 making related substantive and editorial changes.

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

26 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,  
27 No.175), known as "The Administrative Code of 1929," amended

1 June 20, 1978 (P.L.477, No.70) and repealed in part October 15,  
2 1980 (P.L.950, No.164), is amended to read:

3 Section 201. Executive Officers, Administrative Departments  
4 and Independent Administrative Boards and Commissions.--The  
5 executive and administrative work of this Commonwealth shall be  
6 performed by the Executive Department, consisting of the  
7 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
8 Attorney General, Auditor General, State Treasurer, and  
9 Secretary of Education; by the Executive Board, and the  
10 Pennsylvania State Police; by the following administrative  
11 departments: Department of State, [Department of Justice,]  
12 Office of Attorney General, Department of the Auditor General,  
13 Treasury Department, Department of Education, Department of  
14 Military Affairs, Insurance Department, Department of Banking,  
15 Department of Agriculture, Department of Transportation,  
16 Department of Health, Department of Labor and Industry,  
17 Department of Aging, Department of Public Welfare, Department of  
18 General Services, Department of Revenue, Department of Commerce,  
19 Department of Community Affairs, Department of Resource  
20 Regulation and Enforcement and Department of Environmental  
21 Resources; and by the following independent administrative  
22 boards and commissions: Pennsylvania Game Commission,  
23 Pennsylvania Fish Commission, State Civil Service Commission,  
24 Pennsylvania Public Utility Commission, the Pennsylvania  
25 Historical and Museum Commission and the Pennsylvania Securities  
26 Commission.

27 All of the provisions of this act, which apply generally to  
28 administrative departments, or generally except to the  
29 Department of the Auditor General, [and] the Treasury Department  
30 and the Office of Attorney General, shall apply to the Executive

1 Board and to the Pennsylvania State Police.

2 Section 2. Section 206 and clause (1) of subsection (d) of  
3 section 207.1 of the act, amended June 20, 1978 (P.L.477, No.70)  
4 and repealed in part October 15, 1980 (P.L.950, No.164), are  
5 amended to read:

6 Section 206. Department Heads.--Each administrative  
7 department shall have as its head an officer who shall, either  
8 personally, by deputy, or by the duly authorized agent or  
9 employe of the department, and subject at all times to the  
10 provisions of this act, exercise the powers and perform the  
11 duties by law vested in and imposed upon the department.

12 The following officers shall be the heads of the  
13 administrative departments following their respective titles:

14 Secretary of the Commonwealth, of the Department of State;  
15 Auditor General, of the Department of the Auditor General;  
16 State Treasurer, of the Treasury Department;  
17 Attorney General, of the Office of Attorney General;  
18 Secretary of Education, of the Department of Education;  
19 Adjutant General, of the Department of Military Affairs;  
20 Insurance Commissioner, of the Insurance Department;  
21 Secretary of Banking, of the Department of Banking;  
22 Secretary of Agriculture, of the Department of Agriculture;  
23 Secretary of Transportation, of the Department of  
24 Transportation;  
25 Secretary of Health, of the Department of Health;  
26 Secretary of Labor and Industry, of the Department of Labor  
27 and Industry;  
28 Secretary of Aging, of the Department of Aging;  
29 Secretary of Public Welfare, of the Department of Public  
30 Welfare;

1 Secretary of Revenue, of the Department of Revenue;  
2 Secretary of Commerce, of the Department of Commerce;  
3 Secretary of Community Affairs, of the Department of  
4 Community Affairs;  
5 Secretary of Environmental Resources, of the Department of  
6 Environmental Resources;  
7 Secretary of Resource Regulation and Enforcement, of the  
8 Department of Resource Regulation and Enforcement;  
9 Secretary of General Services, of the Department of General  
10 Services.

11 Section 207.1. Gubernatorial Appointments.--\* \* \*

12 (d) The Governor shall nominate in accordance with the  
13 provisions of the Constitution of the Commonwealth of  
14 Pennsylvania and, by and with the advice and consent of a  
15 majority of the members elected to the Senate appoint persons to  
16 fill the following positions:

17 (1) The Secretary of Education, the Secretary of the  
18 Commonwealth, the Adjutant General, the Insurance Commissioner,  
19 the Secretary of Banking, the Secretary of Agriculture, the  
20 Secretary of Transportation, the Secretary of Health, the  
21 Commissioner of the State Police, the Secretary of Labor and  
22 Industry, the Secretary of Aging, the Secretary of Public  
23 Welfare, the Secretary of General Services, the Secretary of  
24 Revenue, the Secretary of Commerce, the Secretary of Community  
25 Affairs [and], the Secretary of Resource Regulation and  
26 Enforcement and the Secretary of Environmental Resources.

27 \* \* \*

28 Section 3. The act is amended by adding a section to read:

29 Section 1929-A. Certain Powers and Duties Transferred.--(a)  
30 All powers and duties relating to regulation and enforcement

1 with respect to any natural resource which are vested in the  
2 Department of Environmental Resources in this act are  
3 transferred to the Department of Resource Regulation and  
4 Enforcement.

5 (b) No power or authority to issue or become involved in the  
6 process of issuing of any license or permit shall be transferred  
7 from the Department of Environmental Resources.

8 Section 4. The act is amended by adding an article to read:

9 ARTICLE XIX-B

10 POWERS AND DUTIES OF THE DEPARTMENT OF RESOURCE

11 REGULATION AND ENFORCEMENT

12 Section 1901.B. General Powers and Duties.--(a) The  
13 Department of Resource Regulation and Enforcement shall have all  
14 regulatory powers and enforcement powers with respect to all  
15 areas of regulation and enforcement which are currently vested  
16 in the Department of Environmental Resources.

17 (b) The Department of Resource Regulation and Enforcement  
18 shall have no power to become involved in the issuance of  
19 licenses or permits.

20 Section 5. The annual salary of the Secretary of Resource  
21 Regulation and Enforcement shall be forty-one thousand two  
22 hundred fifty dollars (\$41,250).

23 Section 6. All personnel, allocations, appropriations,  
24 equipment, files, records, contracts, agreements, obligations  
25 and other materials which are used, employed or expended in  
26 connection with the powers, duties or functions given by this  
27 amendatory act to the Department of Resource Regulation and  
28 Enforcement, which powers, duties and functions were formerly  
29 exercised by the Department of Environmental Resources are  
30 hereby transferred to the Department of Resource Regulation and

1 Enforcement with the same force and effect as if the  
2 appropriations had been made to and said items had been the  
3 property of the Department of Resource Regulation and  
4 Enforcement in the first instance and as if said contracts,  
5 agreements and obligations had been incurred or entered into by  
6 the Department of Resource Regulation and Enforcement. All  
7 personnel transferred to the Department of Resource Regulation  
8 and Enforcement from the Department of Environmental Resources  
9 pursuant to this act shall retain any civil service or other  
10 employment status assigned to said personnel in the Department  
11 of Environmental Resources prior to the effective date of this  
12 act.

13 Section 7. All acts and parts of acts are repealed insofar  
14 as they are inconsistent with this act.

15 Section 8. (a) Prior to the effective date of this act, the  
16 Governor may nominate and submit to the Senate for its  
17 confirmation a person to serve as Secretary of Resource  
18 Regulation and Enforcement who shall take office on January 20,  
19 1984 or as soon thereafter as possible.

20 (b) This act shall take effect January 20, 1984.