
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 509

Session of
1973

INTRODUCED BY SMITH, McCREESH, CIANFRANI AND HILL,
MARCH 19, 1973

REFERRED TO ENVIRONMENTAL RESOURCES, MARCH 19, 1973

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," transferring to the
21 Department of Environmental Resources from the Department of
22 Transportation and otherwise further providing for the
23 Navigation Commission for the Delaware River and its
24 navigable tributaries and making repeals.

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

27 Section 1. As much as relates to the Departments of
28 Transportation and Environmental Resources in section 202, and
29 sections 475 and 2012, act of April 9, 1929 (P.L.177, No.175),

1 known as "The Administrative Code of 1929," amended December 3,
2 1970 (P.L.834, No.275), are reenacted and amended to read:

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

9 * * *

10 In the Department of Transportation,

11 State Transportation Commission,

12 Hazardous Substances Transportation Board.

13 [Navigation Commission for the Delaware River and its
14 navigable tributaries.]

15 * * *

16 In the Department of Environmental Resources,

17 Environmental Quality Board,

18 Environmental Hearing Board,

19 State Board for Certification of Sewage Treatment and
20 Waterworks Operators,

21 State Soil and Water Conservation Commission,

22 Anthracite Mine Inspectors,

23 Bituminous Mine Inspectors,

24 Navigation Commission for the Delaware River and its
25 navigable tributaries.

26 All of the foregoing departmental administrative boards and
27 commissions shall be organized or reorganized as provided in
28 this act.

29 Section 475. Navigation Commission for the Delaware River
30 and its Navigable Tributaries.--(a) The Navigation Commission

1 for the Delaware River and its navigable tributaries shall
2 consist of seven members, three to be appointed by the Governor;
3 by and with the advice and consent of two-thirds of all members
4 of the Senate; two of whom shall be appointed from among the
5 residents of Delaware County; and one of whom shall be appointed
6 from among residents of Bucks County; two to be appointed by the
7 Mayor of the City of Philadelphia; one to be the Secretary of
8 Environmental Resources, who shall serve ex officio; and one of
9 whom shall be the Director of [Wharves, Docks, and Ferries]
10 Commerce of the City of Philadelphia, who shall serve ex
11 officio. The [Governor] commission shall designate one of [the
12 commissioners to be the president] its number to be chairman of
13 the said commission. The principal office of the commission
14 shall be in the City of Philadelphia.

15 (b) The members of the Navigation Commission for the
16 Delaware River and its navigable tributaries, hereinafter
17 referred to as the commissioners, shall hold office for a term
18 of four years, and until their successors are appointed and
19 qualified, and may be eligible for reappointment to office. They
20 shall serve without compensation, but shall be reimbursed for
21 necessary expenses. A majority of the commissioners, appointed
22 by the Governor and the Mayor of the City of Philadelphia, shall
23 constitute a quorum for the transaction of business.

24 (c) The commissioners shall have a secretary, and such
25 clerks as may be necessary to keep accurate minutes and entries
26 of all orders, regulations, and transactions of the said
27 commissioners, in a book or books to be kept for that purpose;
28 and the said minutes and entries shall be submitted to the
29 inspection of any person or persons who shall desire to see and
30 peruse the same; and the said commissioners shall give true

1 copies of all such entries or minutes, made in the said book or
2 books as may be required, to such person or persons as shall
3 demand the same, he or they paying to the said commissioners one
4 cent per line for each copy thereof. The commissioners may also
5 have, if the Secretary of Environmental Resources approve, a
6 civil engineer, and such other employes as are necessary to the
7 proper transaction of the business of the Navigation Commission
8 for the Delaware River and its navigable tributaries. The said
9 commissioners shall have authority to maintain adequate offices
10 and a meeting room.

11 The Secretary of Environmental Resources shall appoint the
12 secretary and all employes of the commission, whose salaries
13 shall be fixed as provided by law.

14 Section 2012. Navigation Commission for the Delaware
15 River.--The Navigation Commission for the Delaware River and its
16 navigable tributaries shall continue to exercise the powers and
17 perform the duties by the act of June 8, 1907 (P.L.496, No.322),
18 entitled "An act to establish a Board of Commissioners of
19 Navigation for the river Delaware and its navigable tributaries;
20 regulating their jurisdiction over ships, vessels, and boats,
21 and wharves, piers, bulkheads, docks, slips, and basins; and
22 exempting cities of the first class from certain of its
23 provisions; and making an appropriation therefor," and its
24 amendments and by any other law vested in and imposed upon the
25 said board.

26 Section 2. All personnel, allocations, appropriations,
27 equipment, files, records, contracts, agreements, obligations,
28 and other materials which are used, employed or expended in
29 connection with the powers, duties or functions transferred by
30 this act to the Department of Environmental Resources are hereby

1 transferred to the Department of Environmental Resources with
2 the same force and effect as if the appropriations had been made
3 to and said items had been the property of the Department of
4 Environmental Resources in the first instance and as if said
5 contracts, agreements and obligations had been incurred or
6 entered into by said Department of Environmental Resources.

7 Section 3. (a) The following acts and parts of acts are
8 repealed to the extent specified:

9 (1) Subsection (b) of section 30, act of December 3, 1970
10 (P.L.834, No.275), entitled "An act amending the act of April 9,
11 1929 (P.L.177, No.175), entitled 'An act providing for and
12 reorganizing the conduct of the executive and administrative
13 work of the Commonwealth by the Executive Department thereof and
14 the administrative departments, boards, commissions, and
15 officers thereof, including the boards of trustees of State
16 Normal Schools, or Teachers Colleges; abolishing, creating,
17 reorganizing or authorizing the reorganization of certain
18 administrative departments, boards, and commissions; defining
19 the powers and duties of the Governor and other executive and
20 administrative officers, and of the several administrative
21 departments, boards, commissions, and officers; fixing the
22 salaries of the Governor, Lieutenant Governor, and certain other
23 executive and administrative officers; providing for the
24 appointment of certain administrative officers, and of all
25 deputies and other assistants and employes in certain
26 departments, boards, and commissions; and prescribing the manner
27 in which the number and compensation of the deputies and all
28 other assistants and employes of certain departments, boards and
29 commissions shall be determined,' creating the Department of
30 Environmental Resources and defining its functions, powers and

1 duties, transferring certain boards and commissions to such
2 department, abolishing the Sanitary Water Board, the Air
3 Pollution Commission and certain other boards and commissions;
4 placing the Navigation Commission for the Delaware River and its
5 navigable tributaries in the Department of Transportation;
6 transferring the functions of the Geographic Board to the
7 Pennsylvania Historical and Museum Commission placing the Valley
8 Forge Park Commission and the Washington Crossing Park
9 Commission in the Pennsylvania Historical and Museum Commission
10 and repealing inconsistent acts," is repealed absolutely.

11 (2) The act of June 8, 1907 (P.L.496, No.322), entitled "An
12 act to establish a Board of Commissioners of Navigation for the
13 river Delaware and its navigable tributaries; regulating their
14 jurisdiction over ships, vessels, and boats, and wharves, piers,
15 bulkheads, docks, slips, and basins; and exempting cities of the
16 first class from certain of its provisions; and making an
17 appropriation therefor," and its amendments (particularly the
18 amendment of June 21, 1937 (P.L.1960, No.385)), are repealed in
19 so far as inconsistent with the provisions of this act.

20 (b) All other acts or parts of acts inconsistent herewith
21 are repealed to the extent of such inconsistency.

22 Section 4. This act shall take effect immediately and be
23 retroactive, in so far as possible, to January 19, 1971.