

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1943 Session of
1981

INTRODUCED BY GALLEN, MULLEN, HONAMAN, SIRIANNI, DORR, COWELL
AND FRYER, OCTOBER 9, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 19, 1982

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," EMPOWERING THE EXECUTIVE
21 BOARD TO SET THE SALARIES OF THE CHAIRMAN AND MEMBERS OF THE
22 ENVIRONMENTAL HEARING BOARD, prohibiting conflicts of
23 interest by certain employes of the Department of
24 Environmental Resources, imposing a penalty and making a
25 repeal.

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

28 SECTION 1. SECTION 709, ACT OF APRIL 9, 1929 (P.L.177,

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1 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," IS AMENDED
2 BY ADDING A CLAUSE TO READ:

3 SECTION 709. EXECUTIVE BOARD.--SUBJECT TO THE PROVISIONS OF
4 THIS ACT, THE EXECUTIVE BOARD SHALL HAVE THE POWER:

5 * * *

6 (M) IN ADDITION TO THOSE POWERS OTHERWISE PROVIDED BY LAW,
7 TO DETERMINE THE SALARIES OF THE CHAIRMAN AND THE OTHER MEMBERS
8 OF THE ENVIRONMENTAL HEARING BOARD WHICH SALARIES SHALL NOT
9 EXCEED \$37,500 FOR THE CHAIRMAN AND \$35,000 FOR THE OTHER
10 MEMBERS.

11 Section ~~±~~ 2. Section 1928-A, ~~act of April 9, 1929 (P.L.177,~~ <—
12 ~~No.175), known as "The Administrative Code of 1929,"~~ OF THE ACT, <—
13 added October 10, 1980 (P.L.805, No.153), is amended to read:

14 Section 1928-A. Conflict of Interest in Mining and Oil and
15 Gas Regulation.--(a) No employe of the Department of
16 Environmental Resources performing any function or duty within
17 the scope of activities covered by the Surface Mining Control
18 and Reclamation Act of 1977, Public Law 95-87 (95th Congress)
19 shall have a direct or indirect financial interest in any
20 underground or surface coal mining operation as defined by this
21 act. Whoever knowingly violates the provisions of this [section]
22 subsection shall, upon conviction, be punished by a fine of not
23 more than two thousand five hundred dollars (\$2,500) or by
24 imprisonment of not more than one (1) year, or both. Rules and
25 regulations shall be promulgated hereunder to establish methods
26 by which the provisions of this [section] subsection will be
27 monitored and enforced by the Department of Environmental
28 Resources, including but not limited to appropriate provisions
29 for the filing by such employes and the review of statements and
30 supplements thereto concerning any financial interest which may

1 be affected by this [section] subsection.

2 (b) No employe of the Department of Environmental Resources
3 performing the function or duty of an oil or gas inspector shall
4 act as a manager, employe or agent of any oil or gas drilling
5 operation or of any mine or mining operation, nor shall he or
6 she be interested in any pecuniary way in such operations in
7 this Commonwealth. Whoever knowingly violates the provisions of
8 this subsection shall, upon conviction, be punished by a fine of
9 not more than two thousand five hundred dollars (\$2,500) or by
10 imprisonment of not more than one (1) year, or both. Rules and
11 regulations shall be promulgated hereunder to establish methods
12 by which the provisions of this subsection will be monitored and
13 enforced by the Department of Environmental Resources, including
14 but not limited to appropriate provisions for the filing by such
15 employes and the review of statements and supplements thereto
16 concerning any financial interest which may be affected by this
17 subsection.

18 SECTION 3. (A) THE FOLLOWING PART OF THE FOLLOWING ACT IS <—
19 REPEALED INSOFAR AS IT IS INCONSISTENT HEREWITH:

20 AS MUCH AS RELATES TO THE ENVIRONMENTAL HEARING BOARD OF
21 SECTION 1, ACT OF SEPTEMBER 2, 1961 (P.L.1177, NO.525), ENTITLED
22 "AN ACT FIXING THE SALARIES AND COMPENSATION OF MEMBERS OF
23 CERTAIN BOARDS AND COMMISSIONS, AND REPEALING INCONSISTENT
24 ACTS."

25 ~~Section 2.~~ (B) The act of December 21, 1959 (P.L.1967, <—
26 No.722), entitled "An act providing for creation of an Oil and
27 Gas Inspectors Examining Board in the Department of Mines and
28 Mineral Industries; conferring powers and imposing duties on the
29 board and conferring powers and imposing duties in connection
30 therewith upon the Governor; providing for the qualifications,

1 examination, appointment, term of office, removal and salaries
2 of Oil and Gas Inspectors; and providing penalties," is
3 repealed.

4 Section 3 4. This act shall take effect immediately, EXCEPT <—
5 SECTION 2 SHALL TAKE EFFECT IN 60 DAYS.