
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1400 Session of
1995

INTRODUCED BY REBER, GEORGE, RYAN, PERZEL, DeWEESE, ITKIN,
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SCHULER, ZIMMERMAN, STABACK, McGILL, TRUE, YEWIC, FLICK AND
BROWNE, APRIL 20, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 20, 1995

AN ACT

1 Creating the Department of Conservation and Natural Resources
2 consisting of certain functions of the Department of
3 Environmental Resources and the Department of Community
4 Affairs; renaming the Department of Environmental Resources
5 as the Department of Environmental Protection; defining the
6 role of the Environmental Quality Board in the Department of
7 Conservation and Natural Resources and the Department of
8 Environmental Protection; and repealing inconsistent acts.

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1 Section 1101. Savings provision.

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4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Findings and statement of purpose.

9 (a) Findings.--The General Assembly finds and declares as
10 follows:

11 (1) Pennsylvania's public natural resources are to be
12 conserved and maintained for the use and benefit of all its
13 citizens as guaranteed by Article I, section 27 of the
14 Constitution of Pennsylvania.

15 (2) Pennsylvania's State forests and parks cover almost
16 2.3 million acres in this Commonwealth and contain some of
17 our State's most precious and rare natural areas.

18 (3) Pennsylvania has the third largest system of State
19 parks in the United States.

20 (4) Our State parks and forests and community recreation
21 and heritage conservation areas are critical to the continued
22 success of our tourism and recreation industry, the second
23 largest industry in the State.

24 (5) Our forest products industry employs over 100,000
25 people and contributes over \$4.5 billion a year to our
26 economy, making it the State's fourth largest industry.

27 (6) Preserving, enhancing, maintaining and actively
28 managing our system of State parks, forests, community
29 recreation and heritage conservation areas contributes
30 greatly to the quality of life of Pennsylvania's citizens and

1 the economic well-being of the State.

2 (7) The current structure of the Department of
3 Environmental Resources impedes the Secretary of
4 Environmental Resources from devoting enough time, energy and
5 money to solving the problems facing our State parks and
6 forests.

7 (8) State parks and forests have taken a back seat to
8 other environmental issues because polluted air and water and
9 toxic waste sites, for example, are more immediate, life-
10 threatening and publicly visible issues than natural resource
11 concerns.

12 (9) State parks, forests and community recreation and
13 heritage conservation areas have lost out in the competition
14 for financial and staff resources because they have no
15 cabinet-level advocate to highlight these issues for the
16 public.

17 (b) Intent.--It is the intent of the General Assembly and
18 the purpose of this act:

19 (1) To create a new Department of Conservation and
20 Natural Resources to serve as a cabinet-level advocate for
21 our State parks, forests, rivers, trails, greenways and
22 community recreation and heritage conservation programs to
23 provide more focused management of the Commonwealth's
24 recreation, natural and river environments. The primary
25 mission of the Department of Conservation and Natural
26 Resources will be to maintain, improve and preserve State
27 parks, to manage State forest lands to assure their long-term
28 health, sustainability and economic use, to provide
29 information on Pennsylvania's ecological and geologic
30 resources and to administer grant and technical assistance

1 programs that will benefit rivers, conservation, trails and
2 greenways, local recreation, regional heritage conservation
3 and environmental education programs across Pennsylvania.

4 (2) To change the name of the Department of
5 Environmental Resources to the Department of Environmental
6 Protection.

7 (3) To eliminate the rulemaking powers of the
8 Environmental Quality Board and to vest those powers in the
9 Secretary of Conservation and Natural Resources and the
10 Secretary of Environmental Protection.

11 Section 102. Short title.

12 This act shall be known and may be cited as the Conservation
13 and Natural Resources Act.

14 Section 103. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Commonwealth." The Commonwealth of Pennsylvania.

19 "Department." The Department of Conservation and Natural
20 Resources of the Commonwealth established in section 301.

21 "Secretary." The Secretary of Conservation and Natural
22 Resources.

23 CHAPTER 3

24 DEPARTMENT OF CONSERVATION AND NATURAL
25 RESOURCES

26 Section 301. Creation of Department.

27 The Department of Conservation and Natural Resources is
28 hereby established as an administrative department within the
29 executive branch of the government of this Commonwealth. The
30 department shall be headed by the Secretary of Conservation and

1 Natural Resources. The secretary shall be appointed by the
2 Governor, subject to the approval of a majority of the members
3 elected to the Senate. The secretary shall receive a salary
4 equal to that of the Secretary of Environmental Protection.

5 Section 302. Forests.

6 (a) Acquisition, establishment and disposition.--The
7 department has the following powers and duties with respect to
8 the acquisition, establishment and disposition of State forest
9 lands:

10 (1) To acquire, in the name of the Commonwealth, by
11 purchase, gift, lease or condemnation and hold as State
12 forests, subject to the conditions of any lease and subject
13 to reservations, if any, of mineral rights, stumpage rights,
14 rights-of-way or other encumbrances as the department
15 considers consistent with such holding, any lands, including
16 tax-delinquent lands, which in the judgment of the department
17 the Commonwealth should hold, manage, control, protect,
18 maintain, utilize and regulate as State forests or for
19 reforestation, for adding to and extending the existing State
20 forests, for the purpose of lessening soil erosion and
21 silting up of reservoirs, to control the flow of streams and
22 extinguish interior holdings, or for the establishment and
23 maintenance of fire observation towers and stations and
24 adjoining lands as may be deemed necessary to control,
25 maintain and develop such towers and stations and furnish
26 access to them.

27 (2) To purchase and hold as State forests unseated,
28 vacant or unappropriated lands, lands advertised for sale for
29 taxes and land sold for taxes, as may now or hereafter be
30 provided by law.

1 (3) To hold, manage, control, protect, maintain,
2 utilize, develop and regulate the occupancy and use of all
3 lands, heretofore or hereafter acquired, owned, leased and
4 maintained as State forests or for reforestation, for
5 extending existing State forests, for the purpose of
6 lessening soil erosion and the silting up of reservoirs, to
7 control stream flow, to extinguish interior holdings and for
8 fire observation tower and station purposes; together with
9 the resources thereof.

10 (4) To divide this Commonwealth into such convenient
11 forest districts as it considers economical and effective, to
12 administer, protect, develop, utilize and regulate the
13 occupancy and use of the lands and resources of the State
14 forests, to protect all forest land in this Commonwealth from
15 forest fires, fungi, insects and other enemies, to promote
16 and develop forestry and knowledge of forestry throughout
17 this Commonwealth, to advise and assist landowners in the
18 planting of forest and shade trees, to obtain and publish
19 information respecting forest lands and forestry in this
20 Commonwealth, to assist in Arbor Day work and promote and
21 advance any other activity in local forestry which the
22 department may consider helpful to the public interest and to
23 execute the rules and regulations of the department for the
24 protection of forest from fire and depredation. It may also
25 assign district foresters to take active charge of such
26 forest districts, and also foresters, forest rangers and
27 other help, for the administration of forest districts, as
28 the secretary considers necessary and for the accomplishment
29 throughout this Commonwealth of the purposes for which the
30 department is established.

1 (5) To cooperate with the authorities of townships,
2 boroughs and cities of this Commonwealth in the acquisition
3 and administration of municipal forests, as may now or
4 hereafter be provided by law.

5 (6) Whenever it shall appear that the welfare of this
6 Commonwealth, with reference to reforestation and the
7 betterment of the State forests, with respect to control,
8 scientific management, protection, utilization, development
9 and regulation of their occupancy and use, will be advanced
10 by selling or disposing of any of the timber on the State
11 forests, to dispose of timber on terms most advantageous to
12 this Commonwealth. The department is authorized and directed
13 to set aside, within the State forests, unusual or historical
14 groves of trees or natural features especially worthy of
15 permanent preservation, to make the same accessible and
16 convenient for public use and to dedicate them in perpetuity
17 to the citizens of this Commonwealth for their recreation and
18 enjoyment. The department is hereby empowered to make and
19 execute contracts or leases in the name of the Commonwealth
20 for the mining or removal of any valuable minerals that may
21 be found in State forests, or of oil and gas beneath those
22 waters of Lake Erie owned by the Commonwealth, or of oil and
23 gas beneath the land of Woodville State Hospital owned by the
24 Commonwealth, whenever it shall appear to the satisfaction of
25 the department that it would be for the best interests of
26 this Commonwealth to make such disposition of those minerals.
27 Any proposed contracts or leases of valuable minerals
28 exceeding \$1,000 in value shall have been advertised once a
29 week for three weeks, in at least two newspapers published
30 nearest the locality indicated, in advance of awarding such

1 contract or lease. The contracts or leases may then be
2 awarded to the highest and best bidder, who shall give bond
3 for the proper performance of the contract as the department
4 shall designate. However, where the Commonwealth owns a
5 fractional interest in the oil, natural gas and other
6 minerals under State forest lands, the requirement of
7 competitive bidding may be waived, and the department may
8 enter into a contract to lease that fractional interest, with
9 the approval of the Governor, and upon such terms and
10 conditions as the department deems to be in the best interest
11 of this Commonwealth.

12 (7) To appoint and, with the approval of the Governor,
13 fix the compensation of a Chief Forest Fire Warden, and such
14 district forest fire wardens, and to appoint and fix the
15 compensation of such local forest fire wardens and other
16 assistants as shall be required for the prevention, control,
17 and extinction of forest fires.

18 (8) To establish and administer auxiliary forest
19 reserves, in the manner and under the terms and conditions as
20 may now or hereafter be provided by law.

21 (9) To distribute young forest trees, shrubs and vines,
22 as provided by law, to those desiring to plant them.

23 (10) To furnish information and issue certificates and
24 requisitions necessary for the payment of the fixed charges,
25 in lieu of taxes on State forest and auxiliary forest
26 reserves, to school districts, road districts and counties,
27 as may now or hereafter be provided by law.

28 (11) To sell or exchange State forest land, as provided
29 by law, whenever it shall be to the advantage of the State
30 forest interests, provided, that, such action has been

1 approved by the Governor.

2 (12) To set aside, when, in the judgment of the
3 department, it is considered necessary, for exclusive use for
4 parks, parkways and other places of scientific, scenic,
5 historic or wildlife interest, any State-owned lands which
6 are now or which may hereafter be under the jurisdiction of
7 the department.

8 (13) The department shall, with the approval of the
9 Governor, have the authority to enter into agreements with
10 owners or lessees of property or property rights located in
11 the same area as lands owned or leased by the Commonwealth,
12 for the protection, preservation or recovery of metallic or
13 nonmetallic ore, fuel, oil, natural gas or any other mineral
14 deposits underlying those lands, provided the deposits are
15 owned by the Commonwealth.

16 (b) Utilization and protection.--The department has the
17 following powers and duties with respect to the utilization and
18 protection of State forest lands:

19 (1) To lease, for a period not exceeding ten years, on
20 terms and conditions as it may consider reasonable, to any
21 person, corporation, association, church organization or
22 school board of this Commonwealth, such portion of any State
23 forest, whether owned or leased by the Commonwealth, as the
24 department may consider suitable, as a site for buildings and
25 facilities to be used by such person, corporation,
26 association, church organization or school board for health
27 and recreation, or as a site for a church or school purposes.
28 However, the department may, with the approval of the
29 Governor, if a substantial capital investment is involved and
30 if it is deemed in the best interests of this Commonwealth,

1 enter into such leases for a period not to exceed 35 years.
2 The department shall not terminate the lease of a person
3 whose cabin has been destroyed or seriously damaged by fire,
4 storm, flood or other natural causes and shall permit the
5 rebuilding of such cabin. The department shall permit persons
6 holding leases to renovate or make additions to existing
7 cabins with the approval of the department.

8 (2) To lease, for not more than ten years, small areas
9 in State forests, whether owned or leased by the
10 Commonwealth, which it considers to be better suited for the
11 growing of other crops than for the growing of forest trees.
12 If more than one person shall apply for the same tract, the
13 lease shall be advertised for sale in three local county
14 papers, if there be so many, once a week for three weeks, and
15 may then be awarded to the highest responsible bidder, but
16 the department may nevertheless reject any or all bids. Upon
17 the termination of any such lease, the lessee may remove
18 buildings and fences placed thereon at his own expense, or
19 the same may be purchased by the lessor as a part of the
20 permanent improvement of the tract, upon such terms as may be
21 agreed upon by the department and the lessee.

22 (3) To grant rights-of-way through State forests, to
23 individuals or corporations who may apply therefor, when it
24 shall appear to the department that the grant of a right-of-
25 way will not so adversely affect the land as to interfere
26 with its usual and orderly administration, and when it shall
27 appear that the interests of the Commonwealth or its citizens
28 will be promoted by such grant. Right-of-way, as used in this
29 subsection, is hereby construed to include rights of passage
30 and haulage for any lawful purpose, also rights of flowage or

1 transmission for any lawful purpose.

2 (4) To give to street railway companies, duly
3 incorporated under the laws of this Commonwealth, upon such
4 terms and subject to such restrictions and regulations as the
5 department considers proper, the privilege to construct,
6 maintain and operate their lines of railway over, along and
7 upon public highways now laid out and in actual use, which
8 lie within or border on any State forests, whenever the
9 interests of the Commonwealth will be benefited.

10 (5) To give to boroughs and other municipalities of this
11 Commonwealth and to related municipal authorities, upon such
12 terms and subject to restrictions and regulations as the
13 department considers proper, the privilege of impounding
14 water and drilling water wells upon any State forest, and of
15 constructing, maintaining and operating lines of pipes upon
16 and through State forests for the purpose of conveying water
17 therefrom, whenever it shall be to the public interest so to
18 do.

19 (6) In all cases where there are public roads, regularly
20 established, running into or through or bordering upon State
21 forests, from time to time, to expend such reasonable sums
22 for the maintenance, repair or extension of such roads as may
23 be necessary for the proper administration and protection of
24 State forests. All expenses that may thus be incurred shall
25 be paid in the same manner as the other expenses of the
26 department.

27 (7) To enter into cooperative agreements with county,
28 township, municipal and private agencies, for the prevention
29 and suppression of forest fires, as provided by law.

30 (8) To grant to public utility companies, lawfully doing

1 business in this Commonwealth, the privilege to construct,
2 maintain and operate their lines over, along and upon
3 highways and roads which lie within or border on any state
4 forests and to grant right of access by such companies to or
5 through State forest lands, in order to bring public
6 utilities to camps and cottages in State forest lands and in
7 other homes and farms adjacent to State forest lands.

8 (9) To grant to individuals, groups of individuals,
9 associations, firms, partnerships or corporations the
10 privilege to erect, construct, maintain and operate, on and
11 over State-owned or leased lands under the jurisdiction of
12 the department, antennas, towers, stations, cables and other
13 devices and apparatus, helpful, necessary or required for
14 broadcasting, telecasting, transmission, relaying or
15 reception of television. It may charge for such privilege
16 such rental and damages as the department deems the
17 conditions and circumstances warrant.

18 (10) To lease, with the approval of the Governor, State
19 forest lands for the underground storage of natural gas, upon
20 such terms and conditions as the secretary deems to be in the
21 best interest of this Commonwealth.

22 (11) To lease, with the approval of the Governor, and in
23 cooperation with the Department of Commerce, those State
24 forest lands acquired by gift from Pennsylvania State
25 University or by acquisition from the Curtiss-Wright
26 Corporation which are located at Quehanna, Pennsylvania, or
27 recovered through the termination of a lease with Curtiss-
28 Wright Corporation relating to Quehanna, Pennsylvania, and
29 upon which are erected certain industrial buildings
30 constructed by the Curtiss-Wright Corporation for industrial

1 or economic development purposes or for nuclear reactor
2 safety zone purposes. Such leases may be made with industrial
3 tenants or nonprofit industrial development corporations. The
4 department in securing tenants shall cooperate fully with the
5 Department of Commerce. Every such lease entered into shall
6 conform in general to the terms of the standard industrial
7 lease used by the department and approved by the General
8 Counsel and the Attorney General. Every such lease shall
9 otherwise than as in this act prescribed be upon such terms
10 and conditions as the secretary considers in the best
11 interests of this Commonwealth. However, all paved roads
12 through the Quehanna project shall remain open to the general
13 public use. Any such lease may permit the tenant to alter or
14 expand, at its own expense and with the approval of the
15 department first obtained in writing, existing buildings to
16 meet the requirements of its particular industrial operation.
17 Every such lease shall provide for the deposit of industrial
18 floor space rentals and sewage and water rentals in a
19 restricted revenue account from which the department may draw
20 moneys for use in developing, operating and maintaining the
21 water and sewage disposal facilities, and replacing
22 machinery, equipment and fixtures appurtenant thereto, at
23 aforesaid Quehanna. The restricted revenue account shall be
24 audited two years from the effective date of this act and at
25 two-year intervals thereafter, with any residue appearing in
26 the account at the end of each auditing period to be
27 deposited in the General Fund. The department is hereby
28 authorized to indemnify and hold harmless PermaGrain
29 Products, Inc., from and against any and all damages incurred
30 by PermaGrain Products, Inc., related to personal injury or

1 property damage, resulting from radioactive contamination
2 arising exclusively from performance by this Commonwealth or
3 its contractors of the characterization, remediation,
4 decontamination and removal of radioactive materials from
5 contaminated structures on those State forest lands acquired
6 from the Pennsylvania State University or Curtiss-Wright
7 Corporation and located at Quehanna, Pennsylvania.

8 (c) Authority of officers.--The persons employed, under the
9 provisions of this act, by the department for the protection of
10 the State parks and State forests shall, after taking the proper
11 official oath before the clerk of the court of common pleas of
12 any county of this Commonwealth, be vested with the same powers
13 as are, by existing laws, conferred upon constables and other
14 peace officers, to arrest on view, without first procuring a
15 warrant therefor, persons detected by them in the act of
16 trespassing upon any forest or timber land within this
17 Commonwealth, under such circumstances as to warrant the
18 reasonable suspicion that such person or persons have committed,
19 are committing or are about to commit any offense or offenses
20 against any of the laws now enacted or hereafter to be enacted
21 for the protection of forests and timber lands. The officers
22 shall likewise be vested with similar powers of arrest in the
23 case of offenses against the laws or rules and regulations
24 enacted or established, or to be enacted or established, for the
25 protection of the State forests, or for the protection of the
26 fish and game contained therein. However, the above mentioned
27 rules and regulations shall have been previously conspicuously
28 posted upon the State forests. The officers shall further be
29 empowered, and it shall be their duty, immediately upon any such
30 arrest, to take and convey the offender or offenders before a

1 justice of the peace or other magistrate having jurisdiction,
2 for hearing and trial or other due process of law. The powers
3 conferred in this subsection upon forest officers shall extend
4 only to the case of offenses committed upon the State forests
5 and lands adjacent thereto and the powers conferred in this
6 subsection upon the officers shall not be exercised beyond the
7 limits thereof, except where necessary for the purpose of
8 pursuing and arresting such offenders, or of conveying them into
9 the proper legal custody for punishment as aforesaid, and except
10 where those officers are specially commissioned by the
11 department as provided in this section. The department may, at
12 the discretion of the secretary or his designee, specially
13 commission certain forest officers to preserve order in the
14 State parks and State forests, with all of the powers conferred
15 on park officers by section 203(a)(7).

16 (d) Chief Forest Fire Warden.--The Chief Forest Fire Warden,
17 subject to the approval of the secretary, shall have the
18 following powers and duties to:

19 (1) Take such measures for the prevention, control and
20 extinction of forest fires as will assure a reasonable
21 protection from fire to woodlots, forest and wild land within
22 this Commonwealth.

23 (2) Supervise and manage the forest fire wardens
24 throughout this Commonwealth and, when necessary, to appoint
25 persons who shall serve without compensation as special or as
26 ex officio fire wardens. Such special or ex officio fire
27 wardens shall have the same powers as local forest fire
28 wardens, but their duties may be changed or extended by the
29 chief forest fire warden. Any special or ex officio forest
30 fire warden, appointed as herein provided, shall be entitled

1 to receive the necessary expenses incurred by him in the
2 performance of his duties as fire warden.

3 (3) Report to the secretary, at such times as the
4 secretary shall require, covering all phases of the work done
5 under his direction.

6 (4) Collect, with the assistance of the fire wardens
7 under his supervision, data as to location and fire hazards
8 of woodlots, forests and wild lands within this Commonwealth,
9 as to forest fires and losses resulting therefrom, and such
10 other data as he may desire to present to the department or
11 the public.

12 (5) Plan and to put into operation and maintain a system
13 of fire towers and observation stations, which shall cover
14 the regions subject to forest fires and to purchase the
15 necessary materials and equipment and hire the necessary
16 labor.

17 (6) Appoint certain forest fire wardens as patrolmen for
18 regions subject to great fire risk during dry seasons,
19 whenever necessary.

20 (7) Enter into agreements with persons, associations or
21 corporations, upon satisfactory terms, for forest fire
22 prevention or control.

23 (8) Conduct educational work in relation to the
24 protection of forests from fire.

25 (9) Approve and transmit to the secretary all correct
26 bills for expenses incurred by him or under his supervision.

27 (10) Declare a public nuisance any property which by
28 reason of its condition or operation is a special forest fire
29 hazard and, as such, endangers other property or human life.

30 He shall notify the owner of the property or the person

1 responsible for the condition declared a public nuisance and
2 advise him of the abatement of such public nuisance. In case
3 of a railroad, such notice shall be served upon the
4 superintendent of the division where the nuisance exists.

5 (11) Collect and arrange information concerning
6 violation of laws relating to the protection of forests from
7 fire and present the same to the secretary, who shall file it
8 with the Office of Attorney General for legal action.

9 (12) Issue, to persons appointed forest fire wardens,
10 certificates of appointment and, when deemed advisable, to
11 issue badges to such persons.

12 (e) District fire warden.--Each district fire warden shall
13 have the power and his duty shall be to:

14 (1) Establish headquarters at some advantageous place
15 within his district.

16 (2) Act as the field representative of the Chief Forest
17 Fire Warden.

18 (3) Collect and forward to the Chief Forest Fire Warden
19 such data within his district as may be required by the Chief
20 Forest Fire Warden.

21 (4) Make recommendations to the Chief Forest Fire Warden
22 for the appointment of local fire wardens, the location of
23 towers, the employment of patrolmen, the region to be
24 patrolled and such other matters as may come to his attention
25 which would tend to improve the protective system.

26 (5) Arrange for annual meetings of fire wardens within
27 his district for instruction in forest fire matters.

28 (6) Report to the Chief Forest Fire Warden conditions
29 existing within his district, which are or may become forest
30 fire hazards, and to serve notices for the correction or

1 removal of such conditions, after and when issued by the
2 Chief Forest Fire Warden.

3 (7) Receive, audit and, if correct, approve the reports
4 and accounts of the local fire wardens, before submitting
5 them to the Chief Forest Fire Warden.

6 (8) Act as an inspector of the work of the local fire
7 wardens and render assistance to them.

8 (9) Conduct educational work and develop cooperation
9 between local agencies and the department for the prevention
10 and suppression of forest fires.

11 (10) Perform such other duties as may be assigned to him
12 by the secretary and the Chief Forest Fire Warden.

13 (f) Local forest fire wardens.--It shall be the duty of each
14 local forest fire warden:

15 (1) Whenever fire is discovered in or approaching
16 woodlots, forests or wild lands, whether the same be owned by
17 individuals, corporations or by the Commonwealth, immediately
18 to take such measures as are necessary to extinguish the
19 fire.

20 (2) Whenever fires have been combated or extinguished,
21 to prepare a correct statement of expenses, upon forms to be
22 furnished by the department, which must be filed with the
23 district forest fire warden and forwarded to the Chief Forest
24 Fire Warden within 60 days of the date of the fire.

25 (3) Promptly to investigate the cause of each fire which
26 comes to his knowledge, collect such evidence as may be
27 discovered relating thereto, and such other facts as he may
28 be directed to investigate, and report the same to the Chief
29 Forest Fire Warden.

30 (4) To attend an annual meeting of forest fire wardens

1 in his district when notified, or present a reasonable
2 excuse.

3 (5) When designated as a patrolman or watchman, to
4 perform such duties as may be assigned him by the Chief
5 Forest Fire Warden or by the district forest fire warden.

6 (g) Powers of wardens generally.--Every forest fire warden,
7 appointed as provided in this act, shall have the power to:

8 (1) Employ such other persons, as in his judgment may be
9 necessary, to render assistance in extinguishing forest
10 fires, and to compel the attendance of persons and to require
11 their assistance, in the extinguishing of forest fires.

12 (2) Administer an oath or affirmation, in order to
13 examine any person who he believes knows facts relating to
14 any forest fire, or who claims compensation for services
15 rendered.

16 (3) Enter upon any land at any time for the purpose of
17 performing duties in accordance with this act.

18 (4) Arrest on view, without first procuring a warrant,
19 any person detected by him in the act of committing an
20 offense against any of the laws for the protection of
21 forests, woodlots or wild lands, or, when he shall have a
22 reasonable suspicion that any person is committing or about
23 to commit some such offense. Such forest warden shall have
24 further power to take the offender before a justice of the
25 peace, magistrate or other officer having jurisdiction, for
26 hearing, trial or other due process of law.

27 (5) Exercise the foregoing powers, not only in the
28 jurisdiction, for or within which he may have been appointed,
29 but also in adjacent or other boroughs, townships or
30 counties.

1 (h) Administration of certain statutes.--The department
2 shall hereafter exercise the powers and duties heretofore
3 conferred upon the agencies and officials by the following
4 statutes:

5 The Commissioner of Forestry by the act of March 30, 1897
6 (P.L.11, No.10), entitled "An act authorizing the purchase by
7 the Commonwealth of unseated lands for the non-payment of
8 taxes for the purpose of creating a State Forest
9 Reservation."

10 The Commissioner of Forestry by the act of February 25,
11 1901 (P.L.11, No.9), entitled "An act to establish a
12 Department of Forestry, to provide for its proper
13 administration, to regulate the acquisition of land for the
14 Commonwealth, and to provide for the control, protection and
15 maintenance of Forestry Reservations by the Department of
16 Forestry."

17 The Commissioner of Forestry by the act of April 22, 1909
18 (P.L.124, No.79), entitled "An act to permit the acquisition
19 of forest or other suitable lands by municipalities, for the
20 purpose of establishing municipal forests; and providing for
21 the administration, maintenance, protection, and development
22 of such forests."

23 The Commissioner of Forestry by section 15 of the act of
24 May 13, 1909 (P.L.781, No.601), entitled "An act to create a
25 system of fire-wardens to preserve the forest of the
26 Commonwealth, by preventing and suppressing forest fires, and
27 prescribing penalties for the violation thereof; providing
28 for the compensation of the fire-wardens and those who assist
29 in extinguishing fire, and making an appropriation therefor."

30 The State Forestry Reservation Commission by the act of

1 June 5, 1913 (P.L.426, No.284), entitled "An act to classify
2 certain surface lands as auxiliary forest reserves; to
3 prescribe the terms and conditions for their continuance in
4 said classification, or their withdrawal therefrom; and to
5 provide for the expenses attendant thereon."

6 The Department of Forestry by the act of July 22, 1913
7 (P.L.906, No.432), entitled "A supplement to an act, entitled
8 'An act to create a system of fire-wardens to preserve the
9 forests of the Commonwealth, by preventing and suppressing
10 forest fires, and prescribing penalties for the violation
11 thereof; providing for the compensation of the fire-wardens
12 and those who assist in extinguishing fire, and making an
13 appropriation therefor,' approved the thirteenth day of May,
14 one thousand nine hundred and nine; conferring authority upon
15 the Department of Forestry to enter into cooperative
16 relations with local associations established for the purpose
17 of preventing forest fires, and providing for and regulating
18 a local fire patrol and the compensation thereof."

19 The Department of Forests and Waters by the act of April
20 21, 1915 (P.L.140, No.68), entitled "An act directing the
21 county commissioners of the several counties to offer for
22 sale to the Department of Forestry tracts of land which they
23 may have purchased at county treasurers' sales, for
24 acceptance or refusal for forestry purposes, and to convey to
25 the Commonwealth of Pennsylvania the tracts so offered to be
26 sold, if accepted by the department."

27 The Department of Environmental Resources and the
28 Secretary of Environmental Resources by section 601 of the
29 act of June 2, 1915 (P.L.736, No.338), known as the Workers'
30 Compensation Act.

1 The Commissioner of Forestry, the Department of Forests
2 and Waters and the Bureau of Forest Protection by Articles I,
3 V-VII and IX-XI of the act of June 3, 1915 (P.L.797, No.353),
4 referred to as the Forest Fire Protection Law.

5 The Department of Forestry by the act of May 8, 1917
6 (P.L.156, No.88), entitled "An act authorizing the Department
7 of Forestry to purchase surface rights to lands, for use as
8 State forests."

9 The State Forest Commission by the act of May 5, 1921
10 (P.L.418, No.194), entitled "An act authorizing the State
11 Forest Commission to exchange or sell certain portions of the
12 State forest land, and providing for the procedure."

13 The Department of Forestry and the Commissioner of
14 Forestry by the act of May 21, 1923 (P.L.290, No.186),
15 entitled "An act authorizing the Department of Forestry to
16 grant, on terms, conditions, and stipulations, rights to
17 occupy and use any portions of the State forests for dams,
18 reservoirs, canals, pipe lines, and other water conduits, for
19 certain water supply purposes; and providing remedies for
20 violations of this act, or regulations or orders hereunder,
21 or of such terms, conditions, or stipulations; and providing
22 for revocation of the grant in certain cases."

23 The Department of Forestry by the act of May 28, 1923
24 (P.L.458, No.250), entitled "An act authorizing the
25 Department of Forestry, with the approval of the Governor and
26 Attorney General, to lease for periods of not more than fifty
27 years, on terms, conditions, and stipulations expressed in
28 each lease, any portions of the State forests for dams,
29 reservoirs, canals, pipe lines and other water conduits,
30 power houses and transmission lines, for the development of

1 water power, for steam raising and condensation, and for the
2 generation and transmission of electric energy."

3 The Department of Forestry by the act of June 14, 1923
4 (P.L.761, No.300), entitled "An act to authorize the
5 Department of Forestry to offer and to pay rewards for
6 evidence sufficient to convict anyone maliciously setting
7 forest fire, and to authorize payment of such rewards to
8 local forest fire wardens under certain conditions."

9 The Department of Forests and Waters by the act of April
10 11, 1925 (P.L.232, No.153), entitled "An act making an
11 appropriation; and providing for the hearing, adjusting, and
12 paying of moral claims against the Commonwealth for injury
13 to, or death of, persons while fighting forest fires under
14 orders of agents of the Department of Forests and Waters."

15 The Department of Forests and Waters and the State Forest
16 Commission by the act of May 13, 1925 (P.L.643, No.346),
17 entitled "An act to provide for the purchase by the
18 Commonwealth of agricultural land suited to the growing of
19 forest tree seedlings, and fixing a maximum amount that may
20 be paid therefor."

21 The Department of Forests and Waters and the Department
22 of Environmental Resources by the act of May 5, 1927
23 (P.L.817, No.412), entitled, as amended, "An act authorizing
24 and regulating the growth, sale, and distribution of forest
25 tree seedlings, transplants, shrubs and vines by the
26 Department of Forests and Waters; regulating the use of such
27 forest tree seedlings, transplants, shrubs and vines and
28 imposing duties upon the Department of Agriculture with
29 regard to the enforcement of this act."

30 The Department of Forests and Waters by the act of April

1 3, 1929 (P.L.135, No.137), entitled "An act authorizing the
2 Department of Justice, acting for the Department of Forests
3 and Waters, to institute suits on behalf of the Commonwealth
4 to recover from persons, associations, copartnerships, and
5 corporations, and their officers, agents, and employes,
6 causing forest fires, the expenses incurred by the Department
7 of Forests and Waters on account of such fires."

8 The Secretary of Environmental Resources by section 712
9 of the act of April 9, 1929 (P.L.177, No.175), known as The
10 Administrative Code of 1929.

11 The Secretary of Forest and Waters by the act of April
12 11, 1929 (P.L.515, No.219), entitled "An act for the
13 elimination of special forest fire hazards; authorizing the
14 Chief Forest Fire Warden, under certain circumstances, to
15 declare any such hazard a public nuisance; providing for the
16 abatement of the same, and for the collection of the cost of
17 abatement; and imposing penalties."

18 The Secretary of Forests and Waters by the act of May 17,
19 1929 (P.L.1798, No.591), referred to as the Forest Reserves
20 Municipal Financial Relief Law.

21 The Department of Environmental Resources by section 17
22 of the act of May 21, 1931 (P.L.149, No.105), known as The
23 Liquid Fuels Tax Act.

24 The Secretary of Forests and Waters and the Department of
25 Forests and Waters by subarticle (c) of Article XXXVIII of
26 the act of June 23, 1931 (P.L.932, No.317), known as The
27 Third Class City Code.

28 The Department of Forests and Waters by the act of June
29 23, 1931 (P.L.1202, No.328), entitled "An act authorizing the
30 Department of Forests and Waters to cooperate with and to

1 receive contributions from the Federal Government for
2 forestry purposes; and providing for the use of such
3 contributions."

4 The Department of Forests and Waters by subarticle (c) of
5 Article XXX of the act of June 24, 1931 (P.L.1206, No.331),
6 known as The First Class Township Code.

7 The Department of Forests and Waters by the act of April
8 13, 1933 (P.L.35, No.30), entitled "An act for the
9 development and use of unredeemed seated and unseated lands
10 purchased by county commissioners at tax sales; providing for
11 the holding and permanent retention of such lands by the
12 county for forest or recreational uses beneficial to the
13 local community, or for their transfer to the State, under
14 suitable restrictions for similar uses, subject to certain
15 annual charges; providing for the use of revenues derived
16 from such lands; providing a procedure for the discharge of
17 liens of record against such lands by sale after notice to
18 owners and lien creditors; providing for the sale by counties
19 of such lands as are retained by the county; providing for
20 the appointment by local State Forest Advisory Councils; and
21 conferring powers upon the Department of Forests and Waters
22 and the Board of Game Commissioners with respect to the
23 acquisition and exchange of such lands, their proper
24 organization and development, and the acceptance of gifts of
25 lands."

26 The Department of Forests and Waters by sections 1908,
27 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916 and 1917 of
28 the act of May 1, 1933 (P.L.103, No.69), known as The Second
29 Class Township Code.

30 The Department of Forests and Waters by the act of May

1 22, 1933 (P.L.853, No.155), known as The General County
2 Assessment Law.

3 The Department of Forests and Waters by the act of May
4 22, 1933 (P.L.907, No.165), entitled "An act empowering the
5 Department of Forests and Waters and the Board of Game
6 Commissioners to purchase, in the name of the Commonwealth,
7 seated and unseated lands at tax sales held by county
8 treasurers; providing for and regulating the payment of the
9 purchase price and redemptions in such cases; and providing
10 for the payment of State charges on such lands."

11 The Secretary of Forests and Waters by the act of July
12 29, 1953 (P.L.970, No.235), referred to as the Middle
13 Atlantic Interstate Forest Fire Protection Compact Act.

14 The Secretary of Forests and Waters and the Department of
15 Forests and Waters by the act of July 9, 1959 (P.L.510,
16 No.137), known as the Pennsylvania Public Lands Act.

17 The Department of Forests and Waters by the act of June
18 15, 1961 (P.L.418, No.208), known as the State Forest Lands
19 Prospecting Act.

20 The Secretary of Forests and Waters and the Department of
21 Forests and Waters by subarticle (c) of Article XXVII of the
22 act of February 1, 1966 (1965 P.L.1656, No.581), known as The
23 Borough Code.

24 The Department of Forests and Waters by subarticle (e) of
25 Article III of the act of June 13, 1967 (P.L.31, No.21),
26 known as the Public Welfare Code.

27 The Department of Environmental Resources by the act of
28 June 27, 1973 (P.L.70, No.30), entitled "An act amending the
29 act of May 13, 1915 (P.L.286, No.177), entitled 'An act to
30 provide for the health, safety, and welfare of minors: By

1 forbidding their employment or work in certain establishments
2 and occupations, and under certain specified ages; by
3 restricting their hours of labor, and regulating certain
4 conditions of their employment; by requiring employment
5 certificates or transferable work permits for certain minors,
6 and prescribing the kinds thereof, and the rules for the
7 issuance, reissuance, filing, return, and recording of the
8 same; by providing that the Industrial Board shall, under
9 certain conditions, determine and declare whether certain
10 occupations are within the prohibitions of this act;
11 requiring certain abstracts and notices to be posted;
12 providing for the enforcement of this act by the Secretary of
13 Labor and Industry, the representative of school districts,
14 and police officers; and defining the procedure in
15 prosecutions thereunder, and establishing certain
16 presumptions in relation thereto; providing for the issuance
17 of special permits for minors engaging in the entertainment
18 and related fields; providing penalties for the violation of
19 the provisions thereof; and repealing all acts or parts of
20 acts inconsistent therewith,' providing for participation in
21 certain training and fire-fighting activities."

22 The Department of Environmental Resources by the act of
23 July 20, 1974 (P.L.524, No.178), referred to as the
24 Interstate Cooperation Fire Protection Act.

25 The Department of Environmental Resources by the act of
26 April 29, 1982 (P.L.369, No.103), entitled "An act
27 authorizing the Department of Environmental Resources to
28 reimburse cooperating counties for a portion of each county's
29 costs incurred under State-County-Federal gypsy moth programs
30 and out of a Federal Augmentation appropriation made to the

1 department."

2 The Department of Environmental Resources by the act of
3 December 20, 1983 (P.L.257, No.71), entitled "An act
4 prohibiting the cutting, digging, removal, transportation or
5 sale within this Commonwealth for any purpose of Christmas
6 trees, without a bill of sale or other proof of ownership
7 from the owner of the land on which the same are grown; and
8 providing a penalty."

9 The Department of Environmental Resources by 34 Pa.C.S.
10 (relating to game).

11 The Department of Environmental Resources by 74 Pa.C.S. §
12 5905 (relating to certain State-owned airport).

13 Section 303. Parks.

14 (a) Powers and duties enumerated.--The department shall have
15 the following powers and duties with respect to parks:

16 (1) To supervise, maintain, improve, regulate, police
17 and preserve all parks belonging to the Commonwealth.

18 (2) For the purpose of promoting healthful outdoor
19 recreation and education and making available for such use
20 natural areas of unusual scenic beauty, especially such as
21 provide impressive views, waterfalls, gorges, creeks, caves
22 or other unique and interesting features, to acquire, in the
23 name of the Commonwealth, by purchase, gift, lease or
24 condemnation, any lands which, in the judgment of the
25 department, should be held, controlled, protected, maintained
26 and utilized as State park lands. Such lands may be purchased
27 or accepted, subject to the conditions of any such lease and
28 subject to such reservations, if any, of mineral rights,
29 rights-of-way or other encumbrances as the department may
30 deem not inconsistent with such holdings. However, the amount

1 expended for the acquisition of lands for State park purposes
2 shall not be more than the amount specifically appropriated
3 for such purposes.

4 (3) To see the conveniences and facilities for the
5 transportation, shelter, comfort and education of people
6 shall be so designed and constructed as to retain, so far as
7 may be, the naturalistic appearance of State park areas,
8 surroundings and approaches, and conceal the hand of man as
9 ordinarily visible in urban, industrial and commercial
10 activities.

11 (4) To lease for a period not to exceed ten years, on
12 such terms as may be considered reasonable, to any person,
13 corporation, association or organization of this Commonwealth
14 a portion of any State park, whether owned or leased by the
15 Commonwealth, as may be suitable as a site for buildings and
16 facilities to be used for health, recreational or educational
17 purposes, or for parking areas or concessions for the
18 convenience and comfort of the public. However, the
19 department may, with the approval of the Governor, if a
20 substantial capital investment is involved and if it is
21 deemed in the best interests of the Commonwealth, enter into
22 such leases for a period of not more than 35 years.

23 (5) To study, counsel and advise in reference to gifts
24 of lands or money for park purposes.

25 (6) To counsel and advise in reference to the
26 development of park lands by concessionaires with facilities
27 and equipment for the accommodation and education of the
28 public.

29 (7) To appoint and commission persons to preserve order
30 in the State parks, which persons shall have all of the

1 following powers:

2 (i) To make arrests without warrant for all
3 violations of the law which they may witness and to serve
4 and execute warrants issued by the proper authorities.

5 However, in cases of offenses for violation of any of the
6 provisions of 75 Pa.C.S. (relating to vehicles), the
7 power to make arrests without warrant shall be limited to
8 cases where the offense is designated a felony or a
9 misdemeanor or in cases causing or contributing to an
10 accident resulting in injury or death to any person.

11 (ii) To have all the powers and prerogatives
12 conferred by law upon members of the police force of
13 cities of the first class.

14 (iii) To have all the powers and prerogatives
15 conferred by law upon constables of this Commonwealth.

16 (iv) To serve subpoenas issued for any examination,
17 investigation or trial under any law of this
18 Commonwealth.

19 (v) When authorized by the secretary or his
20 designee, to exercise all of the foregoing powers on
21 State forest lands or in other areas administered by the
22 department.

23 (8) For the purpose of providing parking facilities and
24 incidental services within the borders of any State park area
25 situate in the City of Philadelphia to lease or grant, by and
26 with the written approval of the Governor, any portion of any
27 such State park area, underground, aboveground, or both, to
28 the city or to any parking authority now or hereafter
29 existing in the city, pursuant to the provisions of the act
30 of June 5, 1947 (P.L.458, No.208), known as the Parking

1 Authority Law, as the same may now or hereafter be amended,
2 if:

3 (i) the City of Philadelphia or the parking
4 authority agrees that the lands and interests and
5 privileges therein shall be used by the city or parking
6 authority, or any lessee or sublessee holding under
7 either of them, pursuant to any lease or sublease granted
8 by the city or parking authority as may be permitted by
9 law, to promote the establishment of parking services and
10 facilities, but portions of the street level or lower
11 floors of the parking facilities may be leased for
12 commercial use, including emergency automobile repair
13 service and the sale by the lessee of any commodity of
14 trade or commerce or any service except the sale of
15 gasoline or automobile accessories; and

16 (ii) The department, with the written approval of
17 the Governor, determines that the lease or grant:

18 (A) will aid in promoting the public safety,
19 convenience and welfare of the people of Philadelphia
20 by aiding in the establishment of adequate parking
21 services for the convenience of the public and
22 otherwise promoting the public policy of the
23 Commonwealth in authorization for the creation of
24 parking authorities; and

25 (B) will not unduly interfere with the promotion
26 of those public objects for which the State park area
27 was acquired and for which it is held.

28 Any lease or grant shall be upon the terms and conditions of the
29 period or periods of time the department, with the written
30 approval of the Governor, may prescribe. The department shall

1 execute and deliver and is empowered to receive deeds or other
2 legal instruments necessary to effectuate any lease or grant.
3 All deeds and instruments shall have the prior approval of the
4 Office of General Counsel and the Office of Attorney General,
5 and a copy thereof shall be filed with the Department of
6 Community Affairs.

7 (9) To make and execute contracts or leases in the name
8 of the Commonwealth for the mining or removal of any oil or
9 gas that may be found in a State park whenever it shall
10 appear to the satisfaction of the department that it would be
11 for the best interests of this Commonwealth to make such
12 disposition of said oil and gas. Any proposed contracts or
13 leases of oil and gas more than \$1,000 in value shall be
14 advertised once a week for three weeks in at least two
15 newspapers published nearest the locality indicated in
16 advance of awarding such contract or lease. Such contracts or
17 leases may then be awarded to the highest and best bidder who
18 shall give bond for the proper performance of the contract as
19 the department shall designate.

20 (10) To grant rights-of-way in and through State parks
21 to municipal authorities and political subdivisions of this
22 Commonwealth for the laying of water lines and of lines for
23 the transportation of sewage to sewage lines or sewage
24 treatment facilities on State park land, under such terms and
25 conditions, including the payment of fees, as the department
26 may deem proper, and when it shall appear that the grant of
27 such right-of-way will not so adversely affect the land as to
28 interfere with its usual and orderly administration and that
29 the interests of this Commonwealth or its citizens will be
30 promoted by such grant.

1 (11) To issue permits under emergency situations, upon
2 such terms and subject to such restrictions, fees and
3 regulations as the department may deem proper, for the
4 utilization of water at a State park and for constructing,
5 maintaining and operating lines of pipes upon and through a
6 State park for the purpose of conveying water therefrom,
7 wherever it shall be in the public interest to do so.

8 (b) Administration of certain statutes.--The department
9 shall hereafter exercise the powers and duties heretofore
10 conferred upon those agencies and officials listed below under
11 the following statutes:

12 The Snyder-Middleswarth Park Commission and the
13 Department of Forests and Waters by the act of April 12, 1921
14 (P.L.123, No.73), entitled "An act providing for the
15 establishment and the regulation of a State park, to be known
16 as the Snyder-Middleswarth State Park."

17 The Pennsylvania State Park and Harbor Commission of Erie
18 by the act of May 27, 1921 (P.L.1180, No.436), entitled "An
19 act dedicating certain lands of the Commonwealth of
20 Pennsylvania, situated in the city and county of Erie, to
21 public use as an historical memorial and public State park;
22 aiding in the development of the harbor of Erie; and creating
23 a commission to manage and control said lands and said harbor
24 improvements; empowering said commission to purchase or
25 receive by gift other lands for the purpose of this act;
26 providing for the appointment of members of said commission,
27 and that the Secretary of Internal Affairs and the
28 Commissioner of Fisheries shall be ex officio members
29 thereof; defining the duties and powers of said commission;
30 excepting rights and privileges in said lands heretofore

1 granted; and making an appropriation."

2 The Department of Forests and Waters by the act of April
3 14, 1927 (P.L.295, No.168), entitled "An act providing for
4 the acquisition by the Department of Forests and Waters, in
5 the name of the Commonwealth, of certain lands in Jefferson,
6 Forest, and Clarion Counties, Pennsylvania, belonging to the
7 A. Cook Sons Company, for use as a State Park and Forest
8 Reservation; making an appropriation for said acquisition;
9 providing for the management of said property by said
10 department and defining the uses to which the property shall
11 be put."

12 The Department of Forests and Waters and the Water and
13 Power Resources Board by the act of May 2, 1929 (P.L.1530,
14 No.456), referred to as the Pymatuning Swamp Reservoir
15 Project Law.

16 The Department of Forests and Waters by the act of June
17 2, 1933 (P.L.1415, No.301), entitled "An act dedicating and
18 setting aside certain lands in Cameron and Clinton Counties
19 as a public park and pleasure-ground, to be known as
20 "Bucktail State Park"; and imposing certain powers and duties
21 in connection therewith upon the Department of Forests and
22 Waters and the Department of Justice of the Commonwealth."

23 The Department of Forests and Waters and the Pennsylvania
24 State Park and Harbor Commission of Erie by the act of July
25 15, 1935 (P.L.1002, No.320), entitled "An act relating to the
26 Pennsylvania State Park at Erie, authorizing the Department
27 of Forests and Waters to revoke and terminate certain
28 revocable grants and to acquire, by purchase or eminent
29 domain, private property rights or interests in respect to
30 any lands within said park."

1 The Department of Forests and Waters by the act of July
2 1, 1937 (P.L.2651, No.516), entitled "An act dedicating and
3 setting aside certain lands in Lackawanna County as a public
4 park and pleasure-ground; and imposing certain powers and
5 duties in connection therewith on the Department of Forests
6 and Waters."

7 The Secretary of Forests and Waters, the Department of
8 Forests and Waters and the State Parks Commission by the act
9 of June 21, 1939 (P.L.621, No.290), entitled "An act
10 authorizing the Secretary of Forests and Waters to utilize or
11 transfer to the Department of Highways, canal properties or
12 parts thereof acquired by the Department of Forests and
13 Waters, and, in connection with such use, to sell waters from
14 such canals."

15 The Secretary of Forests and Waters by the act of June
16 21, 1939 (P.L.622, No.291), entitled "An act authorizing the
17 Secretary of Forests and Waters, with approval of the
18 Governor, to accept and acquire by gift, grant or other
19 lawful means certain canal properties."

20 The Department of Forests and Waters by the act of August
21 1, 1941 (P.L.609, No.257), entitled "An act providing for the
22 acquisition by the Department of Forests and Waters, in the
23 name of the Commonwealth, of certain lands in Luzerne,
24 Sullivan and Wyoming Counties for use as a State Park; making
25 an appropriation for said acquisition; providing for the
26 management of said property by said department, and defining
27 the uses to which the property shall be put."

28 The Department of Forests and Waters by the act of August
29 12, 1963 (P.L.658, No.343), entitled "An act providing for
30 the acquisition by the Department of Forests and Waters of

1 the Kinzua Bridge and certain adjoining grounds for a State
2 park, and making an appropriation."

3 The Department of Forests and Waters by the act of June
4 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70
5 Land Acquisition and Borrowing Act.

6 The Department of Environmental Resources by the act of
7 July 20, 1974 (P.L.543, No.187), entitled "An act authorizing
8 the lease of Independence Mall State Park in the City of
9 Philadelphia, Philadelphia County, to the Government of the
10 United States of America for use as a National Park, and
11 further authorizing the conveyance of said State Park to the
12 United States of America for use as a National Park, and,
13 with certain reservations, ceding jurisdiction over such
14 lands."

15 The Department of Environmental Resources by 30 Pa.C.S. §
16 902 (relating to enforcement of other laws).

17 Section 304. Facility development.

18 (a) General rule.--The department has all powers and duties
19 previously vested in the Department of Environmental Resources
20 to design, construct, improve, maintain and repair those lands
21 and facilities which it deems necessary or appropriate in the
22 exercise of the powers and duties transferred by this act.

23 (b) Powers not restricted.--The powers and duties conferred
24 by this section are not restricted by Article XXIV of the act of
25 April 9, 1929 (P.L.177, No.175), known as The Administrative
26 Code of 1929, to any greater extent than were the powers and
27 duties of the Department of Environmental Resources, in
28 accordance with section 2401.2 of that act.

29 (c) Administration of certain statutes.--The department
30 shall hereafter exercise the powers and duties heretofore

1 conferred upon the agencies and officials listed below under the
2 following statutes:

3 The Department of Forests and Waters and the Secretary of
4 Forests and Waters by the act of May 20, 1921 (P.L.984,
5 No.353), entitled "An act providing for the condemnation by
6 the Commonwealth of lands suitable and desirable for forest
7 purposes or game preserve purposes or the perpetuation and
8 protection of fish; and defining the powers and duties of the
9 Department of Forestry, the Board of Game Commissioners, and
10 the Department of Fisheries, respectively, in relation
11 thereto."

12 The Department of Forests and Waters by the act of March
13 26, 1925 (P.L.84, No.53), entitled "An act authorizing the
14 Department of Forests and Waters to accept gifts, donations,
15 or contributions under certain circumstances; and providing
16 for the use of such gifts."

17 The Secretary of Forests and Waters, the Department of
18 Forests and Waters and the Chief Forest Fire Warden by the
19 act of March 1, 1945 (P.L.15, No.7), entitled "An act to
20 authorize the Department of Forests and Waters to lease or
21 sell its telephone lines or parts thereof."

22 The Department of Forests and Waters by the act of May
23 22, 1945 (P.L.834, No.335), entitled "An act providing for
24 the acceptance by the Commonwealth of a gift of lands from
25 the United States of America, or any Federal agency, and
26 placing such lands under the control and supervision of the
27 Department of Forests and Waters."

28 The Department of Forests and Waters and the Secretary of
29 Forests and Waters by the act of December 15, 1955 (P.L.865,
30 No.256), entitled "An act requiring rents and royalties from

1 oil and gas leases of Commonwealth land to be placed in a
2 special fund to be used for conservation, recreation, dams,
3 and flood control; authorizing the Secretary of Forests and
4 Waters to determine the need for and location of such
5 projects and to acquire the necessary land."

6 The Department of Forests and Waters by the act of
7 January 19, 1968 (1967 P.L.992, No.442), entitled "An act
8 Authorizing the Commonwealth of Pennsylvania and the counties
9 thereof to preserve, acquire or hold land for open space
10 uses."

11 The Department of Environmental Resources by the act of
12 November 29, 1990 (P.L.600, No.151), entitled "An act
13 amending Title 66 (Public Utilities) of the Pennsylvania
14 Consolidated Statutes, providing an opportunity for
15 municipalities to purchase real property being disposed of by
16 public utilities engaged in a railroad business."

17 The Department of Environmental Resources by the act of
18 July 2, 1993 (P.L.359, No.50), known as the Keystone
19 Recreation, Park and Conservation Fund Act.

20 Section 305. Ecological and geological services.

21 (a) Powers and duties enumerated.--The department shall have
22 the power and its duty shall be with respect to the study and
23 protection of the Commonwealth's ecological and geological
24 resources:

25 (1) To undertake, conduct and maintain the organization
26 of a thorough and extended survey of this Commonwealth for
27 the purpose of elucidating the geology and topography of this
28 Commonwealth. The survey shall disclose the chemical analysis
29 and location of ores, coals, oils, clays, soils, fertilizing
30 and of other useful minerals, and of waters, as shall be

1 necessary to afford the agricultural, forestry, mining,
2 metallurgical and other interests of this Commonwealth and
3 the public a clear insight into the character of its
4 resources. It shall also disclose the location and character
5 of such rock formations as may be useful in the construction
6 of highways or for any other purpose.

7 (2) To collect such specimens as may be necessary to
8 form a complete cabinet collection of specimens of the
9 geological and mineral resources of this Commonwealth and
10 deposit the same in the State Museum of Pennsylvania.

11 (3) To put the results of the survey, with the results
12 of previous surveys, into a form convenient for reference.

13 (4) To collect copies of the surveys of this and other
14 states and countries, and digest the information therein
15 contained, to the end that the survey hereby contemplated may
16 be made as thorough, practical and convenient as possible.

17 (5) To enter into and upon all lands and localities in
18 this Commonwealth which it may be necessary to examine for
19 the purpose of survey; but, in such entry, no damage to
20 property shall be done.

21 (6) To avail itself as fully as possible of the
22 information, maps and surveys possessed by citizens and
23 corporations of this Commonwealth, relative to the geology
24 and topography of this Commonwealth.

25 (7) To transmit all publications of the survey, or any
26 part thereof, to the Department of General Services to be
27 copyrighted by the Secretary of General Services in the name
28 of the Commonwealth.

29 (8) To arrange for the cooperation of the United States
30 Geological Survey or of such other national organization as

1 may be authorized to engage in such work.

2 (9) To exercise the powers and duties vested in the
3 Department of Environmental Resources by the act of June 23,
4 1982 (P.L.597, No.170), known as the Wild Resource
5 Conservation Act. Notwithstanding any provision in the act to
6 the contrary, the department may use any funds appropriated
7 to it to carry out the purposes of this section.

8 (10) To undertake, conduct and maintain the organization
9 of a thorough and extended survey of this Commonwealth for
10 the purpose of inventory, survey and elucidation of the
11 ecological resources of this Commonwealth, to gather and
12 digest information from sources within and outside this
13 Commonwealth and to put the results of the survey into a form
14 convenient for reference. The ecological survey should
15 identify the significant natural features of this
16 Commonwealth and the species which comprise these features.

17 (b) Administration of certain statute.--The department shall
18 exercise and is vested with the powers and duties established by
19 the act of May 29, 1956 (1955 P.L.1840, No.610), known as the
20 Water Well Drillers License Act.

21 Section 306. Community recreation and heritage conservation.

22 (a) Powers and duties.--The department shall have the
23 following powers and duties with respect to community recreation
24 and heritage conservation:

25 (1) To administer Federal and State programs for grants
26 and loans to local governments, municipal authorities and
27 nonprofit organizations for community and regional projects
28 involving the planning, acquisition, rehabilitation and
29 development of public park, recreation and conservation
30 areas, facilities and programs.

1 (2) To provide technical assistance and other services
2 to communities, nonprofit groups, regional organizations,
3 Federal and State agencies and organizations and the general
4 public on any aspect of planning, acquiring, improving,
5 managing, operating and maintaining public park, recreation
6 and conservation areas, facilities and programs.

7 (3) To administer Federal and State heritage
8 conservation programs, such as the Pennsylvania Heritage
9 Parks Program and other programs that preserve, enhance and
10 promote natural, recreational, cultural and scenic resources
11 for heritage conservation, tourism and economic development.

12 (4) To provide grants and technical assistance to
13 communities and zoo organizations for the rehabilitation and
14 development of public zoological parks or other areas.

15 (b) Agreements with other agencies.--The department has the
16 powers and duties to coordinate and enter into agreements with
17 other Federal agencies, State agencies, local governments and
18 nonprofit organizations to carry out the aforementioned powers
19 and duties.

20 (c) Community affairs.--The department shall have the powers
21 and duties previously vested in the Secretary of Community
22 Affairs and the Department of Community Affairs by the following
23 acts:

24 The act of January 19, 1968 (1967 P.L.996, No.443), known
25 as the Land and Water Conservation and Reclamation Act.

26 The act of December 21, 1973 (P.L.425, No.148), entitled
27 "An act authorizing the establishment of environmental
28 advisory councils by certain political subdivisions."

29 The act of July 2, 1984 (P.L.527, No.106), known as the
30 Recreational Improvement and Rehabilitation Act.

1 The act of July 2, 1993 (P.L.359, No.50), known as the
2 Keystone Recreation, Park and Conservation Fund Act.

3 (d) Project 70.--The department shall have the powers and
4 duties vested in the Department of Commerce by the act of June
5 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
6 Acquisition and Borrowing Act, and transferred to the Department
7 of Community Affairs by section 2501-C(h) of the act of April 9,
8 1929 (P.L.177, No.175), known as The Administrative Code of
9 1929.

10 Section 307. Rivers conservation.

11 (a) General rule.--The department shall have the power and
12 duty to assist in the conservation, enhancement and restoration
13 of the river resources of this Commonwealth and may make grants
14 and provide technical assistance to local governments and
15 nonprofit organizations for river conservation projects.

16 (b) Scenic rivers.--

17 (1) The department shall have the powers and duties
18 previously vested in the Department of Environmental
19 Resources by the act of December 5, 1972 (P.L.1277, No.283),
20 known as the Pennsylvania Scenic Rivers Act.

21 (2) The department shall have the powers and duties
22 previously vested in the Department of Environmental
23 Resources by the following acts:

24 The act of November 26, 1978 (P.L.1415, No.333), known as
25 the Schuylkill Scenic River Act.

26 The act of March 24, 1980 (P.L.50, No.18), known as the
27 Stony Creek Wild and Scenic River Act.

28 The act of April 5, 1982 (P.L.222, No.71), known as the
29 Lehigh Scenic River Act.

30 The act of April 29, 1982 (P.L.351, No.97), known as the

1 French Creek Scenic Rivers Act.

2 The act of December 17, 1982 (P.L.1402, No.324), known
3 as the Lick Run Wild and Scenic River Act.

4 The act of October 21, 1983 (P.L.171, No.43), known as
5 the Octoraro Creek Scenic River Act.

6 The act of March 30, 1988 (P.L.318, No.42), known as the
7 LeTort Spring Run Scenic River Act.

8 The act of December 19, 1988 (P.L.1286, No.161), known as
9 the Tucquan Creek and Bear Run Scenic Rivers Act.

10 The act of June 16, 1989 (P.L.22, No.7), known as the
11 Lower Brandywine Scenic Rivers Act.

12 The act of December 4, 1992 (P.L.763, No.116), known as
13 the Yellow Breeches Creek Scenic River Act.

14 The act of December 4, 1992 (P.L.767, No.118), known as
15 the Tulpehocken Creek and Yellow Breeches Creek Scenic River
16 Act.

17 The act of December 4, 1992 (P.L.784, No.124), known as
18 the Pine Creek Scenic Rivers Act.

19 Section 308. Trails and greenways.

20 (a) General rule.--The department shall have the power and
21 duty to assist in the planning, establishment and development of
22 trails and greenways throughout this Commonwealth and may make
23 grants and provide technical assistance to local governments and
24 nonprofit organizations for the planning, acquisition and
25 development of recreational trail and greenway projects.

26 (b) Rails to trails.--The department shall have the powers
27 and duties previously vested in the Department of Environmental
28 Resources and the Environmental Quality Board by the act of
29 December 18, 1990 (P.L.748, No.188), known as the Rails to
30 Trails Act.

1 (c) Snowmobiles and ATV's.--The department shall have the
2 powers and duties vested in the Department of Environmental
3 Resources by 75 Pa.C.S. Ch. 77 (relating to snowmobiles and all-
4 terrain vehicles).

5 (d) Appalachian trail.--The department shall have the powers
6 and duties vested in the Department of Environmental Resources
7 by the act of April 28, 1978 (P.L.87, No.41), known as the
8 Pennsylvania Appalachian Trail Act.

9 (e) Construction.--Nothing in this act shall be construed to
10 be grounds for the imposition of responsibility by the
11 Pennsylvania Public Utility Commission for maintenance or costs
12 of any railroad crossing or abandoned railroad crossing under 66
13 Pa.C.S. Ch. 27 (relating to railroads).

14 Section 309. Youth conservation programs.

15 (a) Powers and duties.--The department shall have the powers
16 and duties previously vested in the Department of Environmental
17 Resources by the act of July 2, 1984 (P.L.561, No.112), known as
18 the Pennsylvania Conservation Corps Act.

19 (b) Federal funding.--The department shall have the power to
20 establish and maintain conservation work experience programs
21 authorized and funded under Federal law and to accept, use and
22 grant funds made available by Federal agencies for such
23 programs.

24 Section 310. Volunteers.

25 (a) Services of individuals without compensation.--The
26 secretary is authorized to recruit, train and accept without
27 regard to the civil service classification laws, rules or
28 regulations, the services of individuals without compensation as
29 volunteers for or in aid of interpretive functions, visitor
30 services, conservation measures and development or other

1 activities in and related to State park and forest areas and
2 other conservation and natural resource activities administered
3 by the department.

4 (b) Expenses.--The secretary is authorized to provide for
5 incidental expenses, such as transportation, uniforms, lodging
6 and subsistence.

7 (c) Status of volunteers.--

8 (1) Except as otherwise provided in this section, a
9 volunteer shall not be deemed to be a Commonwealth employee
10 and shall not be subject to the provisions of law relating to
11 Commonwealth employment, including those relating to hours of
12 work, rates of compensation, leave, unemployment compensation
13 and Commonwealth employee benefits.

14 (2) Volunteers performing work under the terms of this
15 act shall be authorized to operate Commonwealth vehicles and
16 shall be treated for the purposes of automotive and general
17 liability as employees of the Commonwealth.

18 (3) For the purposes of the act of June 2, 1915
19 (P.L.736, No.338), known as the Workers' Compensation Act,
20 volunteers under this act shall be deemed employees of the
21 Commonwealth.

22 (4) No volunteer shall be assigned to any position,
23 covered by any labor agreement, presently filled or
24 authorized in the department.

25 (d) Natural Resource Volunteer Program.--The department
26 shall have the power and authority to do all things necessary
27 and expedient to establish and operate a Natural Resource
28 Volunteer Program and to promulgate rules and regulations under
29 this section.

30 Section 311. Environmental education.

1 The department shall establish a program to provide and
2 promote environmental education related to the conservation,
3 utilization and preservation of the natural resources of this
4 Commonwealth. For these purposes, the department may use funds
5 provided by the Department of Environmental Resources pursuant
6 to the act of June 22, 1993 (P.L.105, No.24), known as the
7 Environmental Education Act, and any other available funds. The
8 amount of funds provided by the Department of Environmental
9 Resources shall not be less than 25% of the annual receipts of
10 the Environmental Education Fund and may be used for the purpose
11 stated in this section notwithstanding any limitations in the
12 Environmental Education Act.

13 Section 312. Whitewater recreation.

14 (a) General rule.--The department shall have the power and
15 duty to promulgate rules and regulations to protect, manage and
16 regulate the recreational use of designated whitewater zones, to
17 license whitewater outfitters operating within designated
18 whitewater zones and to establish fees, royalties and charges
19 for licenses and for using public lands, waters and facilities.

20 (b) License guidelines.--For each specific designated
21 whitewater zone, a license to continue operating as a whitewater
22 rafting outfitter shall be issued by the department to any
23 whitewater rafting outfitter who:

24 (1) has provided whitewater rafting services on a
25 designated whitewater zone for a period of five or more
26 years;

27 (2) has provided those services under formal agreement
28 with the department;

29 (3) has demonstrated an acceptable measure of compliance
30 with the safety and operational requirements of that

1 agreement; and

2 (4) has provided whitewater rafting services on that
3 designated whitewater zone prior to operation and management
4 of that designated whitewater zone through formal agreement
5 with the department.

6 Each whitewater rafting outfitter presently conducting
7 whitewater rafting trips under agreement with the Department of
8 Environmental Resources shall be deemed to fulfill the foregoing
9 criteria.

10 (c) Renewal.--Licenses issued by the department to continue
11 to operate as a whitewater rafting outfitter:

12 (1) shall be for a period of ten years and shall be
13 renewable under guidelines appropriate and necessary to
14 protect the public health, safety and interest and provide
15 stability to the outfitting industry;

16 (2) shall be transferable under reasonable guidelines of
17 the department relating to transfer of licenses and required
18 qualifications of transferees;

19 (3) shall include the right to continue to utilize or
20 lease any premises leased before the effective date of this
21 act by a whitewater rafting outfitter from the department or
22 offer to lease such access areas as the department deems
23 appropriate for use by whitewater rafting outfitters; and

24 (4) shall supersede, after the adoption of regulations,
25 any agreement between the department and a whitewater rafting
26 outfitter, except fee agreements in which a whitewater
27 rafting outfitter is required to pay the department a fee,
28 which fee agreements shall continue for the life of the
29 agreement and which shall not preclude the issuance of a
30 license.

1 (d) Additional whitewater rafting outfitter licenses.--The
2 department may, with regard to a specific designated whitewater
3 zone, accept bids, issue licenses and charge fees and royalties
4 for an additional whitewater rafting outfitter only if the
5 department determines that there is additional whitewater
6 rafting outfitter carrying capacity on the waterway and that
7 there is a need for additional whitewater rafting outfitter
8 allocations. Such licenses shall apply only for that specific
9 designated whitewater zone and only for a period not to exceed
10 ten years.

11 (e) Operation and safety of whitewater zone.--Licensed
12 whitewater rafting outfitters shall be subject to all
13 appropriate rules, regulations and guidelines promulgated by the
14 department for the purposes of regulating the operation and
15 safety of each designated whitewater zone.

16 (f) Termination.--Licenses granted by the department may be
17 terminated by the department for noncompliance after a 30-day
18 written notice to the outfitter and a hearing in accordance with
19 2 Pa.C.S. (relating to administrative law and procedure).
20 Section 313. Rulemaking authority.

21 (a) Interests of Commonwealth.--The department shall, in the
22 manner provided by law, promulgate such rules and regulations,
23 not inconsistent with law, for the control, management,
24 protection, utilization, development, occupancy and use of the
25 lands and resources of State parks and State forests, as it may
26 deem necessary or proper to conserve the interests of the
27 Commonwealth.

28 (b) State parks.--Rules and regulations with respect to
29 State parks shall be compatible with the purposes for which
30 State parks are created.

1 (c) State forests.--Rules and regulations with respect to
2 State forests shall be compatible with the purposes for which
3 the State forests are created, namely to provide a continuous
4 supply of timber, lumber, wood and other forest products, to
5 protect the watersheds, conserve the waters and regulate the
6 flow of rivers and streams of this Commonwealth and to furnish
7 opportunities for healthful recreation to the public.

8 (d) General rule.--The department shall promulgate such
9 rules and regulations as are necessary to carry out this act.

10 (e) Conduct on Commonwealth property.--The department shall
11 have the powers vested in the Department of Environmental
12 Resources under 18 Pa.C.S. § 7506 (relating to violation of
13 rules regarding conduct on Commonwealth property).

14 (f) Powers of Environmental Quality Board.--The department
15 shall continue to exercise any power to formulate, adopt and
16 promulgate rules and regulations heretofore vested in the
17 Environmental Quality Board set forth in section 1920-A(c) of
18 the act of April 9, 1929 (P.L.177, No.175), known as The
19 Administrative Code of 1929, insofar as that power relates to
20 the power and duty to promulgate regulations imposed upon the
21 Department of Forests and Waters, the Secretary of Forests and
22 Waters, the Pennsylvania State Park and Harbor Commission of
23 Erie and the State Forest Commission.

24 (g) Powers and duties conferred by statute.--The department
25 shall have the powers and duties previously vested in the
26 Environmental Quality Board by the following:

27 Sections 7, 8 and 9 of the act of June 23, 1982 (P.L.597,
28 No.170), known as the Wild Resource Conservation Act.

29 Section 5 of the act of December 18, 1990 (P.L.748,
30 No.188), known as the Rails to Trails Act.

1 (h) Existing rules.--Any such rules and regulations
2 promulgated prior to the effective date of this act shall be the
3 rules and regulations of the department until such time as they
4 are modified or repealed by the department.

5 (i) Law applicable.--The department shall promulgate its
6 rules and regulations subject to the act of July 31, 1968
7 (P.L.769, No.240), referred to as the Commonwealth Documents
8 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
9 Commonwealth Attorneys Act, and the act of June 25, 1982
10 (P.L.633, No.181), known as the Regulatory Review Act, except
11 for the establishment of fees and charges under section 314.
12 Section 314. Fees and charges.

13 Whenever the department imposes fees or charges for
14 activities, admissions, uses or privileges, including charges
15 for concessions, at or relating to State parks, such charges or
16 fees shall be used solely for the acquisition, maintenance,
17 operation or administration of the State park system and are
18 hereby appropriated for such purposes. The department shall not
19 adopt or impose any charges or fees for parking or general
20 admission to State parks unless the charges were imposed prior
21 to January 1, 1995. The department may continue to impose and
22 modify parking charges and fees applicable to specific services
23 or units within the State park system which were imposed prior
24 to January 1, 1995, and may impose charges or fees for admission
25 to and for use of specific services and facilities in State
26 parks. The department shall continue to exercise the powers
27 previously vested in the Environmental Quality Board regarding
28 the imposition of fees and charges for State parks and State
29 forests.

30 Section 315. Conservation and Natural Resources Advisory

1 Council.

2 (a) Composition.--The Conservation and Natural Resources
3 Advisory Council shall consist of the Secretary of Conservation
4 and Natural Resources, six members who shall be appointed by the
5 Governor, no more than three of whom shall be of the same
6 political party, six members who shall be appointed by the
7 President pro tempore of the Senate, no more than three of whom
8 shall be of the same political party and six members who shall
9 be appointed by the Speaker of the House of Representatives, no
10 more than three of whom shall be of the same political party.
11 The appointed members of the council shall be citizens of this
12 Commonwealth, who, during their respective terms, shall hold no
13 other Commonwealth office to which any salary is attached. The
14 council shall include persons knowledgeable in fields related to
15 the work of the department.

16 (b) Term.--The term of office of each appointed member shall
17 be three years, measured from the third Tuesday of January of
18 the year in which he takes office, or until his successor has
19 been appointed; except that in the initial appointments of the
20 members of the council, the respective appointing authorities
21 shall appoint two members for terms of one year each, two
22 members for terms of two years each and two members for terms of
23 three years each.

24 (c) Officers and meetings.--The council shall annually elect
25 one of its appointed members as chairman and shall elect a
26 secretary who need not be a member of the council. Meetings of
27 the council shall be held at least quarterly or at the call of
28 the chairman.

29 (d) Powers and duties.--

30 (1) The council shall review all conservation and

1 natural resource laws of the Commonwealth and make
2 appropriate suggestions for the revision, modification and
3 codification thereof.

4 (2) The council shall consider, study and review the
5 work of the department and for this purpose the council shall
6 have access to all books, papers, documents and records
7 pertaining or belonging to the department.

8 (3) The council shall advise the department, on request,
9 and shall make recommendations upon its initiative for the
10 improvement of the work of the department.

11 (4) The council shall report annually to the Governor
12 and to the General Assembly and may make such interim reports
13 as are deemed advisable.

14 (5) The council shall have power to employ and fix the
15 compensation of such experts, stenographers and assistants as
16 may be deemed necessary to carry out the work of the council,
17 but due diligence shall be exercised by the council to enlist
18 such voluntary organizations and other agencies in
19 Pennsylvania or elsewhere, generally recognized as qualified
20 to aid the council.

21 Section 316. Advisory committees.

22 (a) Creation.--The department is authorized to create
23 advisory committees to help develop or discuss proposed
24 regulation, final regulation or policy guidance and to provide
25 continuing advice on implementing programs administered by the
26 department.

27 (b) Organization.--Membership on an advisory committee shall
28 be balanced and shall be representative of the interests
29 affected by the particular regulation, policy, issue or program
30 assigned to the committee.

1 (c) Appointments.--The secretary shall appoint the members
2 of an advisory committee.

3 (d) Chairperson.--A chairperson shall be chosen by a
4 majority vote of the advisory committee members present at a
5 regularly scheduled meeting. A person employed by the department
6 shall not chair an advisory committee.

7 (e) Expenses.--Members of an advisory committee may be
8 reimbursed for their travel expenses to attend committee
9 meetings as authorized by the Executive Board. Employees of the
10 Commonwealth who serve as members of an advisory committee shall
11 only be entitled to the compensation and expenses they receive
12 as public employees.

13 (f) Support.--The department shall provide the appropriate
14 administrative and technical support needed by an advisory
15 committee in order to accomplish its objectives.

16 Section 317. Ex officio memberships of secretary.

17 The secretary shall serve in lieu of the Secretary of
18 Environmental Resources on the following boards and commissions:

19 (1) The Boating Advisory Board.

20 (2) The Board of Trustees of The Pennsylvania State
21 University.

22 (3) The Hardwoods Development Council.

23 (4) The Wild Resource Conservation Board.

24 Section 318. Contracts and agreements.

25 (a) Authorized entities.--The department may enter into
26 contracts and agreements with persons, associations,
27 corporations, partnerships, municipalities, municipal
28 authorities and units of Federal, State and local government to
29 exercise the powers and fulfill the duties established by this
30 act.

1 (b) State System of Higher Education.--The department may
2 enter into agreements for studies and services with State-
3 related institutions and institutions which are part of the
4 State System of Higher Education without the need for
5 competitive procurement.

6 (c) Rights-of-way.--The department shall have the power to
7 lease rights-of-way for a period of not more than 35 years, on
8 terms and conditions as it may consider reasonable, to owners of
9 real property abutting State lands under the jurisdiction of the
10 department.

11 Section 319. Transfer of funds.

12 (a) Transfer from Department of Environmental Resources.--
13 The administration of the following funds or portions of funds,
14 as may be administered by the Department of Environmental
15 Resources, shall be transferred from the Department of
16 Environmental Resources to the department:

- 17 (1) State Parks User Fees Restricted Receipts Account.
- 18 (2) Forestry Stumpage Sales Restricted Receipts Account.
- 19 (3) Quehanna Fund - Act 275 Restricted Revenue Account.
- 20 (4) Snowmobile/ATV Program Restricted Revenue Account.
- 21 (5) Quehanna Fund - Act 55 Restricted Revenue Account.
- 22 (6) Purchase of State Forest Land Restricted Revenue
23 Account.
- 24 (7) Keystone Recreation, Park and Conservation Fund.
- 25 (8) Land and Water Development Fund (Public Outdoor
26 Recreation Areas appropriation only).
- 27 (9) Motor License Fund.
- 28 (10) Oil and Gas Lease Fund.
- 29 (11) Wild Resource Conservation Fund.

30 (b) Transfer from Department of Community Affairs.--The

1 administration of the following funds or portions of funds shall
2 be transferred from the Department of Community Affairs to the
3 department:

4 (1) Keystone Recreation, Park and Conservation Fund.

5 (2) Pennsylvania Heritage Parks Program appropriations
6 from the General Fund.

7 (c) State forests.--A minimum of 10% of the previous fiscal
8 year's receipts of the Forestry Stumpage Sales Restricted
9 Receipts Account shall be transferred to a separate Forest
10 Regeneration Restricted Revenue Account and is hereby
11 appropriated to the department, in addition to the funds
12 necessary for the operation, maintenance and administration of
13 the state forest system, to expend on forest regeneration
14 activities, including, but not limited to, erecting deer fences,
15 planting trees and treating forests with herbicides. Any balance
16 in the Forest Regeneration Restricted Revenue Account in excess
17 of 5% of the previous year's receipts at the end of the fiscal
18 year shall be returned to the Forestry Stumpage Sales Restricted
19 Receipts Account.

20 Section 320. Renumbering regulations.

21 The department shall deposit a notice with the Legislative
22 Reference Bureau renumbering the following regulations and
23 statements of policy to the appropriate title of the
24 Pennsylvania Code and making at that time needed editorial
25 changes to reflect the transfers of powers and duties under this
26 act:

27 16 Pa. Code Ch. 5 Subch. E (relating to land and water
28 conservation fund-statement of policy)

29 25 Pa. Code Ch. 11 Subch. A (relating to scenic rivers)

30 25 Pa. Code Ch. 11 Subch. B (relating to natural areas)

1 and wild areas)

2 25 Pa. Code Ch. 11 Subch. C (relating to campsites)

3 25 Pa. Code Ch. 17 (relating to transfer or exchange of
4 State park land-statement of policy)

5 25 Pa. Code Ch. 18 (relating to transfer or exchange of
6 State forest land-statement of policy)

7 25 Pa. Code §§ 31.1 through 31.64 (relating to
8 miscellaneous provisions, swimming areas, camping areas,
9 cabin areas and boating areas)

10 25 Pa. Code Ch. 51 (relating to general provisions)

11 25 Pa. Code Ch. 52 (relating to State forest picnic
12 areas)

13 25 Pa. Code Ch. 81 (relating to prevention of railroad-
14 caused forest fires)

15 25 Pa. Code Ch. 82 (relating to conservation of
16 Pennsylvania native wild plants)

17 25 Pa. Code §§ 195.91 through 195.96 (relating to
18 snowmobile and all-terrain vehicle equipment requirements)

19 Section 321. Transfer provisions.

20 (a) Transfer enumerated.--The following are transferred to
21 the department:

22 (1) A bureaus, organizations and divisions in the
23 Department of Environmental Resources responsible for the
24 functions enumerated in this act.

25 (2) The Bureau of Recreation and Conservation in the
26 Department of Community Affairs.

27 (3) All personnel, allocations, appropriations,
28 equipment, files, records, contracts, agreements, obligations
29 and other materials which are used, employed or expended by
30 the Department of Environmental Resources in connection with

1 the functions transferred by this act to the Department of
2 Conservation and Natural Resources in the first instance and
3 as if these contracts, agreements and obligations had been
4 incurred or entered into by the Department of Conservation
5 and Natural Resources.

6 (4) All personnel, allocations, appropriations,
7 equipment, files, records, contracts, agreements, obligations
8 and other materials which are used, employed or expended by
9 the Department of Community Affairs in connections with the
10 functions transferred by this act to the Department of
11 Conservation and Natural Resources in the first instance and
12 as if these contracts, agreements and obligations had been
13 incurred or entered into by the Department of Conservation
14 and Natural Resources.

15 (b) Apportionment.--The personnel, appropriations, equipment
16 and other items and material transferred by this section shall
17 include an appropriate portion of the general administrative,
18 overhead and supporting personnel, appropriations, equipment and
19 other material of the agency and shall also include, where
20 applicable, Federal grants and funds and other benefits from any
21 Federal program.

22 (c) Status of employees.--All personnel transferred pursuant
23 to this act shall retain any civil service employment status
24 assigned to the personnel.

25 Section 322. Civil service status.

26 All positions in the department shall be deemed to be
27 included in the list of positions set forth in section 3(d) of
28 the act of August 5, 1941 (P.L.752, No.286), known as the Civil
29 Service Act, and the provisions and benefits of that act shall
30 apply to the employees of and positions in the department.

1 CHAPTER 5

2 RENAMING DEPARTMENT OF ENVIRONMENTAL RESOURCES

3 AND DEFINING RULEMAKING AUTHORITY OF

4 DEPARTMENT OF ENVIRONMENTAL PROTECTION

5 Section 501. Department of Environmental Protection.

6 The Department of Environmental Resources is renamed the
7 Department of Environmental Protection.

8 Section 502. Rulemaking authority.

9 (a) Continuance.--The Department of Environmental Protection
10 shall continue to exercise any power to formulate, adopt and
11 promulgate rules and regulations heretofore vested in the
12 Environmental Quality Board set forth in section 1920-A of the
13 act of April 9, 1929 (P.L.177, No.175), known as The
14 Administrative Code of 1929, except that the Department of
15 Conservation and Natural Resources shall be vested with the
16 power and the duty to promulgate regulations imposed upon the
17 Department of Forests and Waters, the Secretary of Forests and
18 Waters, the Pennsylvania State Park and Harbor Commission of
19 Erie and the State Forest Commission.

20 (b) Existing rules.--Any rules and regulations provided for
21 in subsection (a) promulgated prior to the effective date of
22 this act shall be the rules and regulations of the Department of
23 Environmental Protection until such time as they are modified or
24 repealed by the Department of Environmental Protection.

25 (c) Environmental Quality Board.--The Department of
26 Environmental Protection shall have the powers and duties
27 previously vested in the Environmental Quality Board, except as
28 vested in the Department of Conservation and Natural Resources
29 by this act, which powers and duties are more specifically set
30 forth, but not limited by, the following:

1 Sections 1920-A(i) and 1930-A of the act of April 9, 1929
2 (P.L.177, No.175), known as The Administrative Code of 1929.

3 Sections 1, 5, 8 and 612 of the act of June 22, 1937
4 (P.L.1987, No.394), known as The Clean Streams Law.

5 The act of May 15, 1945 (P.L.547, No.217), known as the
6 Conservation District Law.

7 The act of May 31, 1945 (P.L.1198, No.418), known as the
8 Surface Mining Conservation and Reclamation Act.

9 The act of January 8, 1960 (1959 P.L.2119, No.787), known
10 as the Air Pollution Control Act.

11 Sections 2, 5, 8 and 9 of the act of January 24, 1966
12 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage
13 Facilities Act.

14 The act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1),
15 known as The Bituminous Mine Subsidence and Land Conservation
16 Act.

17 Sections 3.1, 3.2 and 14 of the act of September 24, 1968
18 (P.L.1040, No.318), known as the Coal Refuse Disposal Control
19 Act.

20 Section 6 of the act of July 20, 1974 (P.L.572, No.198),
21 known as the Pennsylvania Solid Waste - Resource Recovery
22 Development Act.

23 Sections 5 and 9 of the act of July 9, 1976 (P.L.931,
24 No.178), referred to as the Coal Mine Emergency Medical
25 Personnel Law.

26 Section 301 of the act of June 23, 1978 (P.L.537, No.93),
27 known as the Seasonal Farm Labor Act.

28 Sections 207 and 302 of the act of October 4, 1978
29 (P.L.851, No.166), known as the Flood Plain Management Act.

30 Sections 14 and 17 of the act of October 4, 1978

1 (P.L.864, No.167), known as the Storm Water Management Act.

2 Sections 5, 7, 10, 11, 17 and 26 of the act of November
3 26, 1978 (P.L.1375, No.325), known as the Dam Safety and
4 Encroachments Act.

5 Sections 4, 5, 6 and 7 of the act of May 13, 1980
6 (P.L.122, No.48), known as the Bluff Recession and Setback
7 Act.

8 Sections 104, 105, 402, 506, 507 and 610 of the act of
9 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
10 Management Act.

11 Sections 3 and 4 of the act of May 1, 1984 (P.L.206,
12 No.43), known as the Pennsylvania Safe Drinking Water Act.

13 Section 302 of the act of July 10, 1984 (P.L.688,
14 No.147), known as the Radiation Protection Act.

15 Sections 11, 24 and 25 of the act of December 19, 1984
16 (P.L.1093, No.219), known as the Noncoal Surface Mining
17 Conservation and Reclamation Act.

18 Sections 201, 215, 216, 603.1 and 604 of the act of
19 December 19, 1984 (P.L.1140, No.223), known as the Oil and
20 Gas Act.

21 Sections 301, 302, 304, 305, 314 and 321 of the act of
22 February 9, 1988 (P.L.31, No.12), known as the Low-Level
23 Radioactive Waste Disposal Act.

24 Section 5 of the act of July 6, 1988 (P.L.487, No.82),
25 known as the Abandoned Mine Subsidence Assistance Act.

26 Sections 2, 3 and 4 of the act of July 13, 1988 (P.L.525,
27 No.93), referred to as the Infectious and Chemotherapeutic
28 Waste Law.

29 Sections 302, 1102 and 1512 of the act of July 28, 1988
30 (P.L.556, No.101), known as the Municipal Waste Planning,

1 Recycling and Waste Reduction Act.

2 Sections 103, 303, 501, 504, 510 and 1104 of the act of
3 October 18, 1988 (P.L.756, No.108), known as the Hazardous
4 Sites Cleanup Act.

5 Sections 3 and 4 of the act of July 5, 1989 (P.L.166,
6 No.31), known as the Phosphate Detergent Act.

7 Sections 103, 105, 106, 505, 701 and 1102 of the act of
8 July 6, 1989 (P.L.169, No.32), known as the Storage Tank and
9 Spill Prevention Act.

10 Sections 3, 7 and 9 of the act of July 6, 1989 (P.L.207,
11 No.33), known as the Plumbing System Lead Ban and
12 Notification Act.

13 Sections 3 and 5 of the act of May 28, 1992 (P.L.249,
14 No.41), known as the Sewage System Cleaner Control Act.

15 75 Pa.C.S. § 4909 (relating to transporting foodstuffs in
16 vehicles used to transport waste).

17 (d) Rules and regulations.--The Department of Environmental
18 Protection shall, in the manner provided by law, promulgate the
19 rules and regulations necessary to carry out this chapter.

20 (e) Environmental Quality Board.--Rulemakings of the
21 Environmental Quality Board that have not been printed in the
22 Pennsylvania Bulletin as final regulations on the effective date
23 of this act shall become rulemakings of the Department of
24 Environmental Protection and shall not be required to meet the
25 requirements of the act of July 31, 1968 (P.L.769, No.240),
26 referred to as the Commonwealth Documents Law, the act of
27 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
28 Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181),
29 known as the Regulatory Review Act, which were met prior to the
30 effective date of this act.

1 Section 503. Continued authority of Department of Environmental
2 Protection.

3 (a) Powers and duties.--The Department of Environmental
4 Protection shall continue to exercise the same powers and
5 perform the same duties and functions by law vested in and
6 imposed upon the Department of Environmental Resources not
7 otherwise amended or transferred by this act to the Department
8 of Conservation and Natural Resources.

9 (b) Administrative officers.--All appointive administrative
10 officers holding office in the Department of Environmental
11 Resources when this act becomes effective shall continue in
12 office in the Department of Environmental Protection until the
13 term for which they were respectively appointed shall expire or
14 until they shall die, resign or be removed from office.

15 CHAPTER 11

16 GENERAL PROVISIONS

17 Section 1101. Savings provision.

18 (a) Matters transferred to Department of Conservation and
19 Natural Resources.--All orders, permits, regulations, decisions
20 and other actions of the Department of Environmental Resources
21 related to the functions transferred to the Department of
22 Conservation and Natural Resources shall remain in full force
23 and effect until modified, repealed, suspended, superseded or
24 otherwise changed by appropriate action of the Department of
25 Conservation and Natural Resources.

26 (b) Matters transferred to Department of Environmental
27 Protection.--All other orders, permits, regulations, decisions
28 and other actions of the Department of Environmental Resources
29 shall remain in full force and effect until modified, repealed,
30 suspended, superseded or otherwise changed by appropriate action

1 of the Department of Environmental Protection.

2 (c) Construction.--The provisions of this act, insofar as
3 they are the same as those of existing laws, shall be construed
4 as a continuation of these laws and not as new enactments.

5 Section 1102. Repeals.

6 (a) Absolute.--The following acts and parts of acts are
7 repealed:

8 Sections 1902-A, 1903-A, 1906-A, 1907-A, 1908-A(2), 1919-A,
9 1911-A, 1912-A, 1913-A, 1914-A and 1926-A of the act of April 9,
10 1929 (P.L.177, No.175), known as The Administrative Code of
11 1929.

12 The act of December 17, 1981 (P.L.472, No.136), entitled "An
13 act authorizing the Secretary of Environmental Resources to
14 establish a Volunteers in State Parks and Forests Program and
15 for other purposes."

16 (b) General.--All other acts and parts of acts are repealed
17 insofar as they are inconsistent with this act.

18 Section 1103. Effective date.

19 This act shall take effect July 1, 1995.