

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1400 Session of
1995

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 BROWNE AND DERMODY, APRIL 20, 1995

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
 ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 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; MAKING CHANGES TO RESPONSIBILITIES <—
 9 OF THE STATE CONSERVATION COMMISSION AND THE DEPARTMENT OF
 10 AGRICULTURE; TRANSFERRING CERTAIN POWERS AND DUTIES TO THE
 11 DEPARTMENT OF HEALTH AND HUMAN SERVICES; and repealing
 12 inconsistent acts.

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2 DEPARTMENT OF AGRICULTURE.

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13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 CHAPTER 1

16 PRELIMINARY PROVISIONS

17 Section 101. Findings and statement of purpose.

18 (a) Findings.--The General Assembly finds and declares as
19 follows:

20 (1) Pennsylvania's public natural resources are to be
21 conserved and maintained for the use and benefit of all its
22 citizens as guaranteed by SECTION 27 OF Article I, ~~section 27~~ <—
23 of the Constitution of Pennsylvania.

24 (2) Pennsylvania's State forests and parks cover almost
25 2.3 million acres in this Commonwealth and contain some of
26 our State's most precious and rare natural areas.

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

29 (4) Our State parks and forests and community recreation
30 and heritage conservation areas are critical to the continued

1 success of our tourism and recreation industry, the second
2 largest industry in the State.

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

6 (6) Preserving, enhancing, maintaining and actively
7 managing our system of State parks, forests, community
8 recreation and heritage conservation areas contributes
9 greatly to the quality of life of Pennsylvania's citizens and
10 the economic well-being of the State.

11 (7) The current structure of the Department of
12 Environmental Resources impedes the Secretary of
13 Environmental Resources from devoting enough time, energy and
14 money to solving the problems facing our State parks and
15 forests.

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

21 (9) State parks, forests and community recreation and
22 heritage conservation areas have lost out in the competition
23 for financial and staff resources because they have no
24 cabinet-level advocate to highlight these issues for the
25 public.

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

28 (1) To create a new Department of Conservation and
29 Natural Resources to serve as a cabinet-level advocate for
30 our State parks, forests, rivers, trails, greenways and

1 community recreation and heritage conservation programs to
2 provide more focused management of the Commonwealth's
3 recreation, natural and river environments. The primary
4 mission of the Department of Conservation and Natural
5 Resources will be to maintain, improve and preserve State
6 parks, to manage State forest lands to assure their long-term
7 health, sustainability and economic use, to provide
8 information on Pennsylvania's ecological and geologic
9 resources and to administer grant and technical assistance
10 programs that will benefit rivers conservation, trails and
11 greenways, local recreation, regional heritage conservation
12 and environmental education programs across Pennsylvania.

13 (2) To change the name of the Department of
14 Environmental Resources to the Department of Environmental
15 Protection.

16 (3) To ~~eliminate~~ RETAIN the rulemaking powers of the <—
17 Environmental Quality Board and to ~~vest those powers in the~~ <—
18 ~~Secretary of Conservation and Natural Resources and the~~
19 ~~Secretary of Environmental Protection~~ IN RELATION TO THE <—
20 DEPARTMENT OF ENVIRONMENTAL PROTECTION.

21 Section 102. Short title.

22 This act shall be known and may be cited as the Conservation
23 and Natural Resources Act.

24 Section 103. Definitions.

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

28 "Commonwealth." The Commonwealth of Pennsylvania.

29 "Department." The Department of Conservation and Natural
30 Resources of the Commonwealth established in section 301.

1 "Secretary." The Secretary of Conservation and Natural
2 Resources.

3 CHAPTER 3

4 DEPARTMENT OF CONSERVATION AND NATURAL

5 RESOURCES

6 Section 301. Creation of department.

7 The Department of Conservation and Natural Resources is
8 hereby established as an administrative department within the
9 executive branch of the government of this Commonwealth. The
10 department shall be headed by the Secretary of Conservation and
11 Natural Resources. The secretary shall be appointed by the
12 Governor, subject to the approval of a majority of the members
13 elected to the Senate. The secretary shall receive a salary
14 equal to that of the Secretary of Environmental Protection.

15 Section 302. Forests.

16 (a) Acquisition, establishment and disposition.--The
17 department has the following powers and duties with respect to
18 the acquisition, establishment and disposition of State forest
19 lands AND CERTAIN OTHER COMMONWEALTH-OWNED RESOURCES: <—

20 (1) To acquire, in the name of the Commonwealth, by
21 purchase, gift, lease or condemnation and hold as State
22 forests, subject to the conditions of any lease and subject
23 to reservations, if any, of mineral rights, stumpage rights,
24 rights-of-way or other encumbrances as the department
25 considers consistent with such holding, any lands, including
26 tax-delinquent lands, which in the judgment of the department
27 the Commonwealth should hold, manage, control, protect,
28 maintain, utilize and regulate as State forests or for
29 reforestation, for adding to and extending the existing State
30 forests, for the purpose of lessening soil erosion and

1 silting up of reservoirs, to control the flow of streams and
2 extinguish interior holdings, or for the establishment and
3 maintenance of fire observation towers and stations and
4 adjoining lands as may be deemed necessary to control,
5 maintain and develop such towers and stations and furnish
6 access to them.

7 (2) To purchase and hold as State forests unseated,
8 vacant or unappropriated lands, lands advertised for sale for
9 taxes and land sold for taxes, as may now or hereafter be
10 provided by law.

11 (3) To hold, manage, control, protect, maintain,
12 utilize, develop and regulate the occupancy and use of all
13 lands, heretofore or hereafter acquired, owned, leased and
14 maintained as State forests or for reforestation, for
15 extending existing State forests, for the purpose of
16 lessening soil erosion and the silting up of reservoirs, to
17 control stream flow, to extinguish interior holdings and for
18 fire observation tower and station purposes; together with
19 the resources thereof.

20 (4) To divide this Commonwealth into such convenient
21 forest districts as it considers economical and effective, to
22 administer, protect, develop, utilize and regulate the
23 occupancy and use of the lands and resources of the State
24 forests, to protect all forest land in this Commonwealth from
25 forest fires, fungi, insects and other enemies, to promote
26 and develop forestry and knowledge of forestry throughout
27 this Commonwealth, to advise and assist landowners in the
28 planting of forest and shade trees, to obtain and publish
29 information respecting forest lands and forestry in this
30 Commonwealth, to assist in Arbor Day work and promote and

1 advance any other activity in local forestry which the
2 department may consider helpful to the public interest and to
3 execute the rules and regulations of the department for the
4 protection of forest from fire and depredation. It may also
5 assign district foresters to take active charge of such
6 forest districts, and also foresters, forest rangers and
7 other help, for the administration of forest districts, as
8 the secretary considers necessary and for the accomplishment
9 throughout this Commonwealth of the purposes for which the
10 department is established.

11 (5) To cooperate with the authorities of townships,
12 boroughs and cities of this Commonwealth in the acquisition
13 and administration of municipal forests, as may now or
14 hereafter be provided by law.

15 (6) Whenever it shall appear that the welfare of this
16 Commonwealth, with reference to reforestation and the
17 betterment of the State forests, with respect to control,
18 scientific management, protection, utilization, development
19 and regulation of their occupancy and use, will be advanced
20 by selling or disposing of any of the timber on the State
21 forests, to dispose of timber on terms most advantageous to
22 this Commonwealth. The department is authorized and directed
23 to set aside, within the State forests, unusual or historical
24 groves of trees or natural features especially worthy of
25 permanent preservation, to make the same accessible and
26 convenient for public use and to dedicate them in perpetuity
27 to the citizens of this Commonwealth for their recreation and
28 enjoyment. The department is hereby empowered to make and
29 execute contracts or leases in the name of the Commonwealth
30 for the mining or removal of any valuable minerals that may

1 be found in State forests, or of oil and gas beneath those
2 waters of Lake Erie owned by the Commonwealth, or of oil and
3 gas beneath the land of Woodville State Hospital owned by the
4 Commonwealth, whenever it shall appear to the satisfaction of
5 the department that it would be for the best interests of
6 this Commonwealth to make such disposition of those minerals.
7 Any proposed contracts or leases of valuable minerals
8 exceeding \$1,000 in value shall have been advertised once a
9 week for three weeks, in at least two newspapers published
10 nearest the locality indicated, in advance of awarding such
11 contract or lease. The contracts or leases may then be
12 awarded to the highest and best bidder, who shall give bond
13 for the proper performance of the contract as the department
14 shall designate. However, where the Commonwealth owns a
15 fractional interest in the oil, natural gas and other
16 minerals under State forest lands, the requirement of
17 competitive bidding may be waived, and the department may
18 enter into a contract to lease that fractional interest, with
19 the approval of the Governor, and upon such terms and
20 conditions as the department deems to be in the best interest
21 of this Commonwealth.

22 (7) To appoint and, with the approval of the Governor,
23 fix the compensation of a Chief Forest Fire Warden, and such
24 district forest fire wardens, and to appoint and fix the
25 compensation of such local forest fire wardens and other
26 assistants as shall be required for the prevention, control,
27 and extinction of forest fires.

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

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

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

8 (11) To sell or exchange State forest land, as provided
9 by law, whenever it shall be to the advantage of the State
10 forest interests, provided, that, such action has been
11 approved by the Governor.

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

18 ~~(13) The department shall, with the approval of the~~ <—
19 ~~Governor, have the authority to enter into agreements with~~

20 (13) TO HAVE THE AUTHORITY, WITH THE APPROVAL OF THE <—
21 GOVERNOR, TO ENTER INTO AGREEMENTS WITH owners or lessees of
22 property or property rights located in the same area as lands
23 owned or leased by the Commonwealth, for the protection,
24 preservation or recovery of metallic or nonmetallic ore,
25 fuel, oil, natural gas or any other mineral deposits
26 underlying those lands, provided the deposits are owned by
27 the Commonwealth.

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

1 (1) To lease, for a period not exceeding ten years, on
2 terms and conditions as it may consider reasonable, to any
3 person, corporation, association, church organization or
4 school board of this Commonwealth, such portion of any State
5 forest, whether owned or leased by the Commonwealth, as the
6 department may consider suitable, as a site for buildings and
7 facilities to be used by such person, corporation,
8 association, church organization or school board for health
9 and recreation, or as a site for a church or school purposes.
10 However, the department may, with the approval of the
11 Governor, if a substantial capital investment is involved and
12 if it is deemed in the best interests of this Commonwealth,
13 enter into such leases for a period not to exceed 35 years.
14 The department shall not terminate the lease of a person
15 whose cabin has been destroyed or seriously damaged by fire,
16 storm, flood or other natural causes and shall permit the
17 rebuilding of such cabin. The department shall permit persons
18 holding leases to renovate or make additions to existing
19 cabins with the approval of the department.

20 (2) To lease, for not more than ten years, small areas
21 in State forests, whether owned or leased by the
22 Commonwealth, which it considers to be better suited for the
23 growing of other crops than for the growing of forest trees.
24 If more than one person shall apply for the same tract, the
25 lease shall be advertised for sale in three local county
26 papers, if there be so many, once a week for three weeks, and
27 may then be awarded to the highest responsible bidder, but
28 the department may nevertheless reject any or all bids. Upon
29 the termination of any such lease, the lessee may remove
30 buildings and fences placed thereon at his own expense, or

1 the same may be purchased by the lessor as a part of the
2 permanent improvement of the tract, upon such terms as may be
3 agreed upon by the department and the lessee.

4 (3) To grant rights-of-way through State forests, to
5 individuals or corporations who may apply therefor, when it
6 shall appear to the department that the grant of a right-of-
7 way will not so adversely affect the land as to interfere
8 with its usual and orderly administration, and when it shall
9 appear that the interests of the Commonwealth or its citizens
10 will be promoted by such grant. Right-of-way, as used in this
11 subsection, is hereby construed to include rights of passage
12 and haulage for any lawful purpose, also rights of flowage or
13 transmission for any lawful purpose.

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

22 (5) To give to boroughs and other municipalities of this
23 Commonwealth and to related municipal authorities, upon such
24 terms and subject to restrictions and regulations as the
25 department considers proper, the privilege of impounding
26 water and drilling water wells upon any State forest, and of
27 constructing, maintaining and operating lines of pipes upon
28 and through State forests for the purpose of conveying water
29 therefrom, whenever it shall be to the public interest so to
30 do.

1 (6) In all cases where there are public roads, regularly
2 established, running into or through or bordering upon State
3 forests, from time to time, to expend such reasonable sums
4 for the maintenance, repair or extension of such roads as may
5 be necessary for the proper administration and protection of
6 State forests. All expenses that may thus be incurred shall
7 be paid in the same manner as the other expenses of the
8 department.

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

12 (8) To grant to public utility companies, lawfully doing
13 business in this Commonwealth, the privilege to construct,
14 maintain and operate their lines over, along and upon
15 highways and roads which lie within or border on any state
16 forests and to grant right of access by such companies to or
17 through State forest lands, in order to bring public
18 utilities to camps and cottages in State forest lands and in
19 other homes and farms adjacent to State forest lands.

20 (9) To grant to individuals, groups of individuals,
21 associations, firms, partnerships or corporations the
22 privilege to erect, construct, maintain and operate, on and
23 over State-owned or leased lands under the jurisdiction of
24 the department, antennas, towers, stations, cables and other
25 devices and apparatus, helpful, necessary or required for
26 broadcasting, telecasting, transmission, relaying or
27 reception of television. It may charge for such privilege
28 such rental and damages as the department deems the
29 conditions and circumstances warrant.

30 (10) To lease, with the approval of the Governor, State

1 forest lands for the underground storage of natural gas, upon
2 such terms and conditions as the secretary deems to be in the
3 best interest of this Commonwealth.

4 (11) To lease, with the approval of the Governor, and in
5 cooperation with the Department of Commerce, those State
6 forest lands acquired by gift from Pennsylvania State
7 University or by acquisition from the Curtiss-Wright
8 Corporation which are located at Quehanna, Pennsylvania, or
9 recovered through the termination of a lease with Curtiss-
10 Wright Corporation relating to Quehanna, Pennsylvania, and
11 upon which are erected certain industrial buildings
12 constructed by the Curtiss-Wright Corporation for industrial
13 or economic development purposes or for nuclear reactor
14 safety zone purposes. Such leases may be made with industrial
15 tenants or nonprofit industrial development corporations. The
16 department in securing tenants shall cooperate fully with the
17 Department of Commerce. Every such lease entered into shall
18 conform in general to the terms of the standard industrial
19 lease used by the department and approved by the General
20 Counsel and the Attorney General. Every such lease shall
21 otherwise than as in this act prescribed be upon such terms
22 and conditions as the secretary considers in the best
23 interests of this Commonwealth. However, all paved roads
24 through the Quehanna project shall remain open to the general
25 public use. Any such lease may permit the tenant to alter or
26 expand, at its own expense and with the approval of the
27 department first obtained in writing, existing buildings to
28 meet the requirements of its particular industrial operation.
29 Every such lease shall provide for the deposit of industrial
30 floor space rentals and sewage and water rentals in a

1 restricted revenue account from which the department may draw
2 moneys for use in developing, operating and maintaining the
3 water and sewage disposal facilities, and replacing
4 machinery, equipment and fixtures appurtenant thereto, at
5 aforesaid Quehanna. The restricted revenue account shall be
6 audited two years from the effective date of this act and at
7 two-year intervals thereafter, with any residue appearing in
8 the account at the end of each auditing period to be
9 deposited in the General Fund. The department is hereby
10 authorized to indemnify and hold harmless PermaGrain
11 Products, Inc., from and against any and all damages incurred
12 by PermaGrain Products, Inc., related to personal injury or
13 property damage, resulting from radioactive contamination
14 arising exclusively from performance by this Commonwealth or
15 its contractors of the characterization, remediation,
16 decontamination and removal of radioactive materials from
17 contaminated structures on those State forest lands acquired
18 from the Pennsylvania State University or Curtiss-Wright
19 Corporation and located at Quehanna, Pennsylvania.

20 (c) Authority of officers.--The persons employed, under the
21 provisions of this act, by the department for the protection of
22 the State parks and State forests shall, after taking the proper
23 official oath before the clerk of the court of common pleas of
24 any county of this Commonwealth, be vested with the same powers
25 as are, by existing laws, conferred upon constables and other
26 peace officers, to arrest on view, without first procuring a
27 warrant therefor, persons detected by them in the act of
28 trespassing upon any forest or timber land within this
29 Commonwealth, under such circumstances as to warrant the
30 reasonable suspicion that such person or persons have committed,

1 are committing or are about to commit any offense or offenses
2 against any of the laws now enacted or hereafter to be enacted
3 for the protection of forests and timber lands. The officers
4 shall likewise be vested with similar powers of arrest in the
5 case of offenses against the laws or rules and regulations
6 enacted or established, or to be enacted or established, for the
7 protection of the State forests, or for the protection of the
8 fish and game contained therein. However, the above mentioned
9 rules and regulations shall have been previously conspicuously
10 posted upon the State forests. The officers shall further be
11 empowered, and it shall be their duty, immediately upon any such
12 arrest, to take and convey the offender or offenders before a
13 justice of the peace or other magistrate having jurisdiction,
14 for hearing and trial or other due process of law. The powers
15 conferred in this subsection upon forest officers shall extend
16 only to the case of offenses committed upon the State forests
17 and lands adjacent thereto and the powers conferred in this
18 subsection upon the officers shall not be exercised beyond the
19 limits thereof, except where necessary for the purpose of
20 pursuing and arresting such offenders, or of conveying them into
21 the proper legal custody for punishment as aforesaid, and except
22 where those officers are specially commissioned by the
23 department as provided in this section. The department may, at
24 the discretion of the secretary or his designee, specially
25 commission certain forest officers to preserve order in the
26 State parks and State forests, with all of the powers conferred
27 on park officers by section ~~203(a)(7)~~ 303(A)(7). <—

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

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

5 (2) Supervise and manage the forest fire wardens
6 throughout this Commonwealth and, when necessary, to appoint
7 persons who shall serve without compensation as special or as
8 ex officio fire wardens. Such special or ex officio fire
9 wardens shall have the same powers as local forest fire
10 wardens, but their duties may be changed or extended by the
11 chief forest fire warden. Any special or ex officio forest
12 fire warden, appointed as herein provided, shall be entitled
13 to receive the necessary expenses incurred by him in the
14 performance of his duties as fire warden.

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

18 (4) Collect, with the assistance of the fire wardens
19 under his supervision, data as to location and fire hazards
20 of woodlots, forests and wild lands within this Commonwealth,
21 as to forest fires and losses resulting therefrom, and such
22 other data as he may desire to present to the department or
23 the public.

24 (5) Plan and to put into operation and maintain a system
25 of fire towers and observation stations, which shall cover
26 the regions subject to forest fires and to purchase the
27 necessary materials and equipment and hire the necessary
28 labor.

29 (6) Appoint certain forest fire wardens as patrolmen for
30 regions subject to great fire risk during dry seasons,

1 whenever necessary.

2 (7) Enter into agreements with persons, associations or
3 corporations, upon satisfactory terms, for forest fire
4 prevention or control.

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

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

9 (10) Declare a public nuisance any property which by
10 reason of its condition or operation is a special forest fire
11 hazard and, as such, endangers other property or human life.
12 He shall notify the owner of the property or the person
13 responsible for the condition declared a public nuisance and
14 advise him of the abatement of such public nuisance. In case
15 of a railroad, such notice shall be served upon the
16 superintendent of the division where the nuisance exists.

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

21 (12) Issue, to persons appointed forest fire wardens,
22 certificates of appointment and, when deemed advisable, to
23 issue badges to such persons.

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

26 (1) Establish headquarters at some advantageous place
27 within his district.

28 (2) Act as the field representative of the Chief Forest
29 Fire Warden.

30 (3) Collect and forward to the Chief Forest Fire Warden

1 such data within his district as may be required by the Chief
2 Forest Fire Warden.

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

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

10 (6) Report to the Chief Forest Fire Warden conditions
11 existing within his district, which are or may become forest
12 fire hazards, and to serve notices for the correction or
13 removal of such conditions, after and when issued by the
14 Chief Forest Fire Warden.

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

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

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

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

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

27 (1) Whenever fire is discovered in or approaching
28 woodlots, forests or wild lands, whether the same be owned by
29 individuals, corporations or by the Commonwealth, immediately
30 to take such measures as are necessary to extinguish the

1 fire.

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

7 (3) Promptly to investigate the cause of each fire which
8 comes to his knowledge, collect such evidence as may be
9 discovered relating thereto, and such other facts as he may
10 be directed to investigate, and report the same to the Chief
11 Forest Fire Warden.

12 (4) To attend an annual meeting of forest fire wardens
13 in his district when notified, or present a reasonable
14 excuse.

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

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

20 (1) Employ such other persons, as in his judgment may be
21 necessary, to render assistance in extinguishing forest
22 fires, and to compel the attendance of persons and to require
23 their assistance, in the extinguishing of forest fires.

24 (2) Administer an oath or affirmation, in order to
25 examine any person who he believes knows facts relating to
26 any forest fire, or who claims compensation for services
27 rendered.

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

30 (4) Arrest on view, without first procuring a warrant,

1 any person detected by him in the act of committing an
2 offense against any of the laws for the protection of
3 forests, woodlots or wild lands, or, when he shall have a
4 reasonable suspicion that any person is committing or about
5 to commit some such offense. Such forest warden shall have
6 further power to take the offender before a justice of the
7 peace, magistrate or other officer having jurisdiction, for
8 hearing, trial or other due process of law.

9 (5) Exercise the foregoing powers, not only in the
10 jurisdiction, for or within which he may have been appointed,
11 but also in adjacent or other boroughs, townships or
12 counties.

13 (h) Administration of certain statutes.--The department
14 shall hereafter exercise the powers and duties heretofore
15 conferred upon the agencies and officials by the following
16 statutes:

17 The Commissioner of Forestry by the act of March 30, 1897
18 (P.L.11, No.10), entitled "An act authorizing the purchase by
19 the Commonwealth of unseated lands for the non-payment of
20 taxes for the purpose of creating a State Forest
21 Reservation."

22 The Commissioner of Forestry AND THE STATE FORESTRY ←
23 RESERVATION COMMISSION by the act of February 25, 1901
24 (P.L.11, No.9), entitled "An act to establish a Department of
25 Forestry, to provide for its proper administration, to
26 regulate the acquisition of land for the Commonwealth, and to
27 provide for the control, protection and maintenance of
28 Forestry Reservations by the Department of Forestry."

29 The Commissioner of Forestry by the act of April 22, 1909
30 (P.L.124, No.79), entitled "An act to permit the acquisition

1 of forest or other suitable lands by municipalities, for the
2 purpose of establishing municipal forests; and providing for
3 the administration, maintenance, protection, and development
4 of such forests."

5 The Commissioner of Forestry by section 15 of the act of
6 May 13, 1909 (P.L.781, No.601), entitled "An act to create a
7 system of fire-wardens to preserve the forest of the
8 Commonwealth, by preventing and suppressing forest fires, and
9 prescribing penalties for the violation thereof; providing
10 for the compensation of the fire-wardens and those who assist
11 in extinguishing fire, and making an appropriation therefor."

12 THE STATE FORESTRY RESERVATION COMMISSION BY THE ACT OF ←
13 MAY 11, 1911 (P.L.271, NO.173), ENTITLED "AN ACT EMPOWERING
14 THE UNITED STATES OF AMERICA TO ACQUIRE LAND IN THE STATE OF
15 PENNSYLVANIA FOR NATIONAL FOREST RESERVES, BY PURCHASE OR BY
16 CONDEMNATION PROCEEDINGS; AND GRANTING TO THE UNITED STATES
17 OF AMERICA ALL RIGHTS NECESSARY FOR CONTROL AND REGULATION OF
18 SUCH RESERVES."

19 The State Forestry Reservation Commission by the act of
20 June 5, 1913 (P.L.426, No.284), entitled "An act to classify
21 certain surface lands as auxiliary forest reserves; to
22 prescribe the terms and conditions for their continuance in
23 said classification, or their withdrawal therefrom; and to
24 provide for the expenses attendant thereon."

25 The Department of Forestry by the act of July 22, 1913
26 (P.L.906, No.432), entitled "A supplement to an act, entitled
27 'An act to create a system of fire-wardens to preserve the
28 forests of the Commonwealth, by preventing and suppressing
29 forest fires, and prescribing penalties for the violation
30 thereof; providing for the compensation of the fire-wardens

1 and those who assist in extinguishing fire, and making an
2 appropriation therefor,' approved the thirteenth day of May,
3 one thousand nine hundred and nine; conferring authority upon
4 the Department of Forestry to enter into cooperative
5 relations with local associations established for the purpose
6 of preventing forest fires, and providing for and regulating
7 a local fire patrol and the compensation thereof."

8 The Department of Forests and Waters by the act of April
9 21, 1915 (P.L.140, No.68), entitled "An act directing the
10 county commissioners of the several counties to offer for
11 sale to the Department of Forestry tracts of land which they
12 may have purchased at county treasurers' sales, for
13 acceptance or refusal for forestry purposes, and to convey to
14 the Commonwealth of Pennsylvania the tracts so offered to be
15 sold, if accepted by the department."

16 The Department of Environmental Resources and the
17 Secretary of Environmental Resources by section 601 of the
18 act of June 2, 1915 (P.L.736, No.338), known as the Workers'
19 Compensation Act.

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

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

28 The State Forest Commission by the act of May 5, 1921
29 (P.L.418, No.194), entitled "An act authorizing the State
30 Forest Commission to exchange or sell certain portions of the

1 State forest land, and providing for the procedure."

2 The Department of Forestry and the Commissioner of
3 Forestry by the act of May 21, 1923 (P.L.290, No.186),
4 entitled "An act authorizing the Department of Forestry to
5 grant, on terms, conditions, and stipulations, rights to
6 occupy and use any portions of the State forests for dams,
7 reservoirs, canals, pipe lines, and other water conduits, for
8 certain water supply purposes; and providing remedies for
9 violations of this act, or regulations or orders hereunder,
10 or of such terms, conditions, or stipulations; and providing
11 for revocation of the grant in certain cases."

12 The Department of Forestry by the act of May 28, 1923
13 (P.L.458, No.250), entitled "An act authorizing the
14 Department of Forestry, with the approval of the Governor and
15 Attorney General, to lease for periods of not more than fifty
16 years, on terms, conditions, and stipulations expressed in
17 each lease, any portions of the State forests for dams,
18 reservoirs, canals, pipe lines and other water conduits,
19 power houses and transmission lines, for the development of
20 water power, for steam raising and condensation, and for the
21 generation and transmission of electric energy."

22 The Department of Forestry by the act of June 14, 1923
23 (P.L.761, No.300), entitled "An act to authorize the
24 Department of Forestry to offer and to pay rewards for
25 evidence sufficient to convict anyone maliciously setting
26 forest fire, and to authorize payment of such rewards to
27 local forest fire wardens under certain conditions."

28 The Department of Forests and Waters AND THE SECRETARY OF <—
29 FORESTS AND WATERS by the act of April 11, 1925 (P.L.232,
30 No.153), entitled "An act making an appropriation; and

1 providing for the hearing, adjusting, and paying of moral
2 claims against the Commonwealth for injury to, or death of,
3 persons while fighting forest fires under orders of agents of
4 the Department of Forests and Waters."

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

11 The Department of Forests and Waters and the Department
12 of Environmental Resources by the act of May 5, 1927
13 (P.L.817, No.412), entitled, as amended, "An act authorizing
14 and regulating the growth, sale, and distribution of forest
15 tree seedlings, transplants, shrubs and vines by the
16 Department of Forests and Waters; regulating the use of such
17 forest tree seedlings, transplants, shrubs and vines and
18 imposing duties upon the Department of Agriculture with
19 regard to the enforcement of this act."

20 The Department of Forests and Waters by the act of April
21 3, 1929 (P.L.135, No.137), entitled "An act authorizing the
22 Department of Justice, acting for the Department of Forests
23 and Waters, to institute suits on behalf of the Commonwealth
24 to recover from persons, associations, copartnerships, and
25 corporations, and their officers, agents, and employes,
26 causing forest fires, the expenses incurred by the Department
27 of Forests and Waters on account of such fires."

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

1 The Secretary of Forest and Waters by the act of April
2 11, 1929 (P.L.515, No.219), entitled "An act for the
3 elimination of special forest fire hazards; authorizing the
4 Chief Forest Fire Warden, under certain circumstances, to
5 declare any such hazard a public nuisance; providing for the
6 abatement of the same, and for the collection of the cost of
7 abatement; and imposing penalties."

8 The Secretary of Forests and Waters by the act of May 17,
9 1929 (P.L.1798, No.591), referred to as the Forest Reserves
10 Municipal Financial Relief Law.

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

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

18 The Department of Forests and Waters by the act of June
19 23, 1931 (P.L.1202, No.328), entitled "An act authorizing the
20 Department of Forests and Waters to cooperate with and to
21 receive contributions from the Federal Government for
22 forestry purposes; and providing for the use of such
23 contributions."

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

27 The Department of Forests and Waters by the act of April
28 13, 1933 (P.L.35, No.30), entitled "An act for the
29 development and use of unredeemed seated and unseated lands
30 purchased by county commissioners at tax sales; providing for

1 the holding and permanent retention of such lands by the
2 county for forest or recreational uses beneficial to the
3 local community, or for their transfer to the State, under
4 suitable restrictions for similar uses, subject to certain
5 annual charges; providing for the use of revenues derived
6 from such lands; providing a procedure for the discharge of
7 liens of record against such lands by sale after notice to
8 owners and lien creditors; providing for the sale by counties
9 of such lands as are retained by the county; providing for
10 the appointment by local State Forest Advisory Councils; and
11 conferring powers upon the Department of Forests and Waters
12 and the Board of Game Commissioners with respect to the
13 acquisition and exchange of such lands, their proper
14 organization and development, and the acceptance of gifts of
15 lands."

16 The Department of Forests and Waters by sections 1908,
17 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916 and 1917 of
18 the act of May 1, 1933 (P.L.103, No.69), known as The Second
19 Class Township Code.

20 The Department of Forests and Waters by the act of May
21 22, 1933 (P.L.853, No.155), known as The General County
22 Assessment Law.

23 The Department of Forests and Waters by the act of May
24 22, 1933 (P.L.907, No.165), entitled "An act empowering the
25 Department of Forests and Waters and the Board of Game
26 Commissioners to purchase, in the name of the Commonwealth,
27 seated and unseated lands at tax sales held by county
28 treasurers; providing for and regulating the payment of the
29 purchase price and redemptions in such cases; and providing
30 for the payment of State charges on such lands."

1 The Secretary of Forests and Waters by the act of July
2 29, 1953 (P.L.970, No.235), referred to as the Middle
3 Atlantic Interstate Forest Fire Protection Compact Act.

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

7 The Department of Forests and Waters by the act of June
8 15, 1961 (P.L.418, No.208), known as the State Forest Lands
9 Prospecting Act.

10 The Secretary of Forests and Waters and the Department of
11 Forests and Waters by subarticle (c) of Article XXVII of the
12 act of February 1, 1966 (1965 P.L.1656, No.581), known as The
13 Borough Code.

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

17 The Department of Environmental Resources by the act of
18 June 27, 1973 (P.L.70, No.30), entitled "An act amending the
19 act of May 13, 1915 (P.L.286, No.177), entitled 'An act to
20 provide for the health, safety, and welfare of minors: By
21 forbidding their employment or work in certain establishments
22 and occupations, and under certain specified ages; by
23 restricting their hours of labor, and regulating certain
24 conditions of their employment; by requiring employment
25 certificates or transferable work permits for certain minors,
26 and prescribing the kinds thereof, and the rules for the
27 issuance, reissuance, filing, return, and recording of the
28 same; by providing that the Industrial Board shall, under
29 certain conditions, determine and declare whether certain
30 occupations are within the prohibitions of this act;

1 requiring certain abstracts and notices to be posted;
2 providing for the enforcement of this act by the Secretary of
3 Labor and Industry, the representative of school districts,
4 and police officers; and defining the procedure in
5 prosecutions thereunder, and establishing certain
6 presumptions in relation thereto; providing for the issuance
7 of special permits for minors engaging in the entertainment
8 and related fields; providing penalties for the violation of
9 the provisions thereof; and repealing all acts or parts of
10 acts inconsistent therewith,' providing for participation in
11 certain training and fire-fighting activities."

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

15 The Department of Environmental Resources by the act of
16 April 29, 1982 (P.L.369, No.103), entitled "An act
17 authorizing the Department of Environmental Resources to
18 reimburse cooperating counties for a portion of each county's
19 costs incurred under State-County-Federal gypsy moth programs
20 and out of a Federal Augmentation appropriation made to the
21 department."

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

29 The Department of Environmental Resources by 34 Pa.C.S.
30 ~~(relating to game)~~ § 723 (RELATING TO EXCHANGE OR SALE). ←

1 The Department of Environmental Resources by 74 Pa.C.S. §
2 5905 (relating to certain State-owned airport).
3 Section 303. Parks.

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

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

8 (2) For the purpose of promoting healthful outdoor
9 recreation and education and making available for such use
10 natural areas of unusual scenic beauty, especially such as
11 provide impressive views, waterfalls, gorges, creeks, caves
12 or other unique and interesting features, to acquire, in the
13 name of the Commonwealth, by purchase, gift, lease or
14 condemnation, any lands which, in the judgment of the
15 department, should be held, controlled, protected, maintained
16 and utilized as State park lands. Such lands may be purchased
17 or accepted, subject to the conditions of any such lease and
18 subject to such reservations, if any, of mineral rights,
19 rights-of-way or other encumbrances as the department may
20 deem not inconsistent with such holdings. However, the amount
21 expended for the acquisition of lands for State park purposes
22 shall not be more than the amount specifically appropriated
23 for such purposes.

24 (3) To see ~~the~~ THAT conveniences and facilities for the ←
25 transportation, shelter, comfort and education of people
26 shall be so designed and constructed as to retain, so far as
27 may be, the naturalistic appearance of State park areas,
28 surroundings and approaches, and conceal the hand of man as
29 ordinarily visible in urban, industrial and commercial
30 activities.

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

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

15 (6) To counsel and advise in reference to the
16 development of park lands by concessionaires with facilities
17 and equipment for the accommodation and education of the
18 public.

19 (7) To appoint and commission persons to preserve order
20 in the State parks, which persons shall have all of the
21 following powers:

22 (i) To make arrests without warrant for all
23 violations of the law which they may witness and to serve
24 and execute warrants issued by the proper authorities.
25 However, in cases of offenses for violation of any of the
26 provisions of 75 Pa.C.S. (relating to vehicles), the
27 power to make arrests without warrant shall be limited to
28 cases where the offense is designated a felony or a
29 misdemeanor or in cases causing or contributing to an
30 accident resulting in injury or death to any person.

1 (ii) To have all the powers and prerogatives
2 conferred by law upon members of the police force of
3 cities of the first class.

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

6 (iv) To serve subpoenas issued for any examination,
7 investigation or trial under any law of this
8 Commonwealth.

9 (v) When authorized by the secretary or his
10 designee, to exercise all of the foregoing powers on
11 State forest lands or in other areas administered by the
12 department.

13 (8) For the purpose of providing parking facilities and
14 incidental services within the borders of any State park area
15 situate in the City of Philadelphia to lease or grant, by and
16 with the written approval of the Governor, any portion of any
17 such State park area, underground, aboveground, or both, to
18 the city or to any parking authority now or hereafter
19 existing in the city, pursuant to the provisions of the act
20 of June 5, 1947 (P.L.458, No.208), known as the Parking
21 Authority Law, as the same may now or hereafter be amended,
22 if:

23 (i) the City of Philadelphia or the parking
24 authority agrees that the lands and interests and
25 privileges therein shall be used by the city or parking
26 authority, or any lessee or sublessee holding under
27 either of them, pursuant to any lease or sublease granted
28 by the city or parking authority as may be permitted by
29 law, to promote the establishment of parking services and
30 facilities, but portions of the street level or lower

1 floors of the parking facilities may be leased for
2 commercial use, including emergency automobile repair
3 service and the sale by the lessee of any commodity of
4 trade or commerce or any service except the sale of
5 gasoline or automobile accessories; and

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

8 (A) will aid in promoting the public safety,
9 convenience and welfare of the people of Philadelphia
10 by aiding in the establishment of adequate parking
11 services for the convenience of the public and
12 otherwise promoting the public policy of the
13 Commonwealth in authorization for the creation of
14 parking authorities; and

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

18 Any lease or grant shall be upon the terms and conditions of
19 the period or periods of time the department, with the
20 written approval of the Governor, may prescribe. The
21 department shall execute and deliver and is empowered to
22 receive deeds or other legal instruments necessary to
23 effectuate any lease or grant. All deeds and instruments
24 shall have the prior approval of the Office of General
25 Counsel and the Office of Attorney General, and a copy
26 thereof shall be filed with the Department of Community
27 Affairs.

28 (9) To make and execute contracts or leases in the name
29 of the Commonwealth for the mining or removal of any oil or
30 gas that may be found in a State park whenever it shall

1 appear to the satisfaction of the department that it would be
2 for the best interests of this Commonwealth to make such
3 disposition of said oil and gas. Any proposed contracts or
4 leases of oil and gas more than \$1,000 in value shall be
5 advertised once a week for three weeks in at least two
6 newspapers published nearest the locality indicated in
7 advance of awarding such contract or lease. Such contracts or
8 leases may then be awarded to the highest and best bidder who
9 shall give bond for the proper performance of the contract as
10 the department shall designate.

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

22 (11) To issue permits under emergency situations, upon
23 such terms and subject to such restrictions, fees and
24 regulations as the department may deem proper, for the
25 utilization of water at a State park and for constructing,
26 maintaining and operating lines of pipes upon and through a
27 State park for the purpose of conveying water therefrom,
28 wherever it shall be in the public interest to do so.

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

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

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

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

23 The Department of Forests and Waters by the act of April
24 14, 1927 (P.L.295, No.168), entitled "An act providing for
25 the acquisition by the Department of Forests and Waters, in
26 the name of the Commonwealth, of certain lands in Jefferson,
27 Forest, and Clarion Counties, Pennsylvania, belonging to the
28 A. Cook Sons Company, for use as a State Park and Forest
29 Reservation; making an appropriation for said acquisition;
30 providing for the management of said property by said

1 department and defining the uses to which the property shall
2 be put."

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

7 The Department of Forests and Waters by the act of June
8 2, 1933 (P.L.1415, No.301), entitled "An act dedicating and
9 setting aside certain lands in Cameron and Clinton Counties
10 as a public park and pleasure-ground, to be known as
11 "Bucktail State Park"; and imposing certain powers and duties
12 in connection therewith upon the Department of Forests and
13 Waters and the Department of Justice of the Commonwealth."

14 The Department of Forests and Waters and the Pennsylvania
15 State Park and Harbor Commission of Erie by the act of July
16 15, 1935 (P.L.1002, No.320), entitled "An act relating to the
17 Pennsylvania State Park at Erie, authorizing the Department
18 of Forests and Waters to revoke and terminate certain
19 revocable grants and to acquire, by purchase or eminent
20 domain, private property rights or interests in respect to
21 any lands within said park."

22 The Department of Forests and Waters by the act of July
23 1, 1937 (P.L.2651, No.516), entitled "An act dedicating and
24 setting aside certain lands in Lackawanna County as a public
25 park and pleasure-ground; and imposing certain powers and
26 duties in connection therewith on the Department of Forests
27 and Waters."

28 The Secretary of Forests and Waters, the Department of
29 Forests and Waters and the State Parks Commission by the act
30 of June 21, 1939 (P.L.621, No.290), entitled "An act

1 authorizing the Secretary of Forests and Waters to utilize or
2 transfer to the Department of Highways, canal properties or
3 parts thereof acquired by the Department of Forests and
4 Waters, and, in connection with such use, to sell waters from
5 such canals."

6 The Secretary of Forests and Waters by the act of June
7 21, 1939 (P.L.622, No.291), entitled "An act authorizing the
8 Secretary of Forests and Waters, with approval of the
9 Governor, to accept and acquire by gift, grant or other
10 lawful means certain canal properties."

11 The Department of Forests and Waters by the act of August
12 1, 1941 (P.L.609, No.257), entitled "An act providing for the
13 acquisition by the Department of Forests and Waters, in the
14 name of the Commonwealth, of certain lands in Luzerne,
15 Sullivan and Wyoming Counties for use as a State Park; making
16 an appropriation for said acquisition; providing for the
17 management of said property by said department, and defining
18 the uses to which the property shall be put."

19 The Department of Forests and Waters by the act of August
20 12, 1963 (P.L.658, No.343), entitled "An act providing for
21 the acquisition by the Department of Forests and Waters of
22 the Kinzua Bridge and certain adjoining grounds for a State
23 park, and making an appropriation."

24 The Department of Forests and Waters by the act of June
25 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70
26 Land Acquisition and Borrowing Act.

27 The Department of Environmental Resources by the act of
28 July 20, 1974 (P.L.543, No.187), entitled "An act authorizing
29 the lease of Independence Mall State Park in the City of
30 Philadelphia, Philadelphia County, to the Government of the

1 United States of America for use as a National Park, and
2 further authorizing the conveyance of said State Park to the
3 United States of America for use as a National Park, and,
4 with certain reservations, ceding jurisdiction over such
5 lands."

6 The Department of Environmental Resources by 30 Pa.C.S. §
7 902 (relating to enforcement of other laws).

8 Section 304. Facility development.

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

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

20 (c) Administration of certain statutes.--The department
21 shall hereafter exercise the powers and duties heretofore
22 conferred upon the agencies and officials listed below under the
23 following statutes:

24 The Department of Forests and Waters and the Secretary of
25 Forests and Waters by the act of May 20, 1921 (P.L.984,
26 No.353), entitled "An act providing for the condemnation by
27 the Commonwealth of lands suitable and desirable for forest
28 purposes or game preserve purposes or the perpetuation and
29 protection of fish; and defining the powers and duties of the
30 Department of Forestry, the Board of Game Commissioners, and

1 the Department of Fisheries, respectively, in relation
2 thereto."

3 The Department of Forests and Waters by the act of March
4 26, 1925 (P.L.84, No.53), entitled "An act authorizing the
5 Department of Forests and Waters to accept gifts, donations,
6 or contributions under certain circumstances; and providing
7 for the use of such gifts."

8 The Secretary of Forests and Waters, the Department of
9 Forests and Waters and the Chief Forest Fire Warden by the
10 act of March 1, 1945 (P.L.15, No.7), entitled "An act to
11 authorize the Department of Forests and Waters to lease or
12 sell its telephone lines or parts thereof."

13 The Department of Forests and Waters by the act of May
14 22, 1945 (P.L.834, No.335), entitled "An act providing for
15 the acceptance by the Commonwealth of a gift of lands from
16 the United States of America, or any Federal agency, and
17 placing such lands under the control and supervision of the
18 Department of Forests and Waters."

19 The Department of Forests and Waters and the Secretary of
20 Forests and Waters by the act of December 15, 1955 (P.L.865,
21 No.256), entitled "An act requiring rents and royalties from
22 oil and gas leases of Commonwealth land to be placed in a
23 special fund to be used for conservation, recreation, dams,
24 and flood control; authorizing the Secretary of Forests and
25 Waters to determine the need for and location of such
26 projects and to acquire the necessary land."

27 The Department of Forests and Waters by the act of
28 January 19, 1968 (1967 P.L.992, No.442), entitled "An act
29 Authorizing the Commonwealth of Pennsylvania and the counties
30 thereof to preserve, acquire or hold land for open space

1 uses."

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

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

11 Section 305. Ecological and geological services.

12 (a) Powers and duties enumerated.--The department shall have
13 the power and its duty shall be with respect to the study and
14 protection of the Commonwealth's ecological and geological
15 resources:

16 (1) To undertake, conduct and maintain the organization
17 of a thorough and extended survey of this Commonwealth for
18 the purpose of elucidating the geology and topography of this
19 Commonwealth. The survey shall disclose the chemical analysis
20 and location of ores, coals, oils, clays, soils, fertilizing
21 and of other useful minerals, and of waters, as shall be
22 necessary to afford the agricultural, forestry, mining,
23 metallurgical and other interests of this Commonwealth and
24 the public a clear insight into the character of its
25 resources. It shall also disclose the location and character
26 of such rock formations as may be useful in the construction
27 of highways or for any other purpose.

28 (2) To collect such specimens as may be necessary to
29 form a complete cabinet collection of specimens of the
30 geological and mineral resources of this Commonwealth and

1 deposit the same in the State Museum of Pennsylvania.

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

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

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

12 (6) To avail itself as fully as possible of the
13 information, maps and surveys possessed by citizens and
14 corporations of this Commonwealth, relative to the geology
15 and topography of this Commonwealth.

16 (7) To transmit all publications of the survey, or any
17 part thereof, to the Department of General Services to be
18 copyrighted by the Secretary of General Services in the name
19 of the Commonwealth.

20 (8) To arrange for the cooperation of the United States
21 Geological Survey or of such other national organization as
22 may be authorized to engage in such work.

23 (9) To exercise the powers and duties vested in the
24 Department of Environmental Resources by the act of June 23,
25 1982 (P.L.597, No.170), known as the Wild Resource
26 Conservation Act. Notwithstanding any provision in the act to
27 the contrary, the department may use any funds appropriated
28 to it to carry out the purposes of this section.

29 (10) To undertake, conduct and maintain the organization
30 of a thorough and extended survey of this Commonwealth for

1 the purpose of inventory, survey and elucidation of the
2 ecological resources of this Commonwealth, to gather and
3 digest information from sources within and outside this
4 Commonwealth and to put the results of the survey into a form
5 convenient for reference. The ecological survey should
6 identify the significant natural features of this
7 Commonwealth and the species which comprise these features.

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

12 Section 306. Community recreation and heritage conservation.

13 (a) Powers and duties.--The department shall have the
14 following powers and duties with respect to community recreation
15 and heritage conservation:

16 (1) To administer Federal and State programs for grants
17 and loans to local governments, municipal authorities and
18 nonprofit organizations for community and regional projects
19 involving the planning, acquisition, rehabilitation and
20 development of public park, recreation and conservation
21 areas, facilities and programs.

22 (2) To provide technical assistance and other services
23 to communities, nonprofit groups, regional organizations,
24 Federal and State agencies and organizations and the general
25 public on any aspect of planning, acquiring, improving,
26 managing, operating and maintaining public park, recreation
27 and conservation areas, facilities and programs.

28 (3) To administer Federal and State heritage
29 conservation programs, such as the Pennsylvania Heritage
30 Parks Program and other programs that preserve, enhance and

1 promote natural, recreational, cultural and scenic resources
2 for heritage conservation, tourism and economic development.

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

6 (b) Agreements with other agencies.--The department has the
7 powers and duties to coordinate and enter into agreements with
8 ~~other~~ Federal agencies, State agencies, local governments and ←
9 nonprofit organizations to carry out the aforementioned powers
10 and duties.

11 (c) Community affairs.--The department shall have the powers
12 and duties previously vested in the Secretary of Community
13 Affairs and the Department of Community Affairs by the following
14 acts:

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

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

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

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

24 (d) Project 70.--The department shall have the powers and
25 duties vested in the Department of Commerce by the act of June
26 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
27 Acquisition and Borrowing Act, and transferred to the Department
28 of Community Affairs by section 2501-C(h) of the act of April 9,
29 1929 (P.L.177, No.175), known as The Administrative Code of
30 1929.

1 Section 307. Rivers conservation.

2 (a) General rule.--The department shall have the power and
3 duty to assist in the conservation, enhancement and restoration
4 of the river resources of this Commonwealth and may make grants
5 and provide technical assistance to local governments and
6 nonprofit organizations for river conservation projects.

7 (b) Scenic rivers.--

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

12 (2) The department shall have the powers and duties
13 previously vested in the Department of Environmental
14 Resources by the following acts:

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

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

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

21 The act of April 29, 1982 (P.L.351, No.97), known as the
22 French Creek Scenic Rivers Act.

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

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

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

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

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

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

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

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

10 Section 308. Trails and greenways.

11 (a) General rule.--The department shall have the power and
12 duty to assist in the planning, establishment and development of
13 trails and greenways throughout this Commonwealth and may make
14 grants and provide technical assistance to local governments and
15 nonprofit organizations for the planning, acquisition and
16 development of recreational trail and greenway projects.

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

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

26 (d) Appalachian ~~trail~~ TRAIL.--The department shall have the <—
27 powers and duties vested in the Department of Environmental
28 Resources by the act of April 28, 1978 (P.L.87, No.41), known as
29 the Pennsylvania Appalachian Trail Act.

30 (e) Construction.--Nothing in this act shall be construed to

1 be grounds for the imposition of responsibility by the
2 Pennsylvania Public Utility Commission for maintenance or costs
3 of any railroad crossing or abandoned railroad crossing under 66
4 Pa.C.S. Ch. 27 (relating to railroads).

5 Section 309. Youth conservation programs.

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

10 (b) Federal funding.--The department shall have the power to
11 establish and maintain conservation work experience programs
12 authorized and funded under Federal law and to accept, use and
13 grant funds made available by Federal agencies for such
14 programs.

15 Section 310. Volunteers.

16 (a) Services of individuals without compensation.--The
17 secretary is authorized to recruit, train and accept without
18 regard to the civil service classification laws, rules or
19 regulations, the services of individuals without compensation as
20 volunteers for or in aid of interpretive functions, visitor
21 services, conservation measures and development or other
22 activities in and related to State park and forest areas and
23 other conservation and natural resource activities administered
24 by the department.

25 (b) Expenses.--The secretary is authorized to provide for
26 incidental expenses, such as transportation, uniforms, lodging
27 and subsistence.

28 (c) Status of volunteers.--

29 (1) Except as otherwise provided in this section, a
30 volunteer shall not be deemed to be a Commonwealth employee

1 and shall not be subject to the provisions of law relating to
2 Commonwealth employment, including those relating to hours of
3 work, rates of compensation, leave, unemployment compensation
4 and Commonwealth employee benefits.

5 (2) Volunteers performing work under the terms of this
6 act shall be authorized to operate Commonwealth vehicles and
7 shall be treated for the purposes of automotive and general
8 liability as employees of the Commonwealth.

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

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

16 (d) Natural Resource Volunteer Program.--The department
17 shall have the power and authority to do all things necessary
18 and expedient to establish and operate a Natural Resource
19 Volunteer Program and to promulgate rules and regulations under
20 this section.

21 Section 311. Environmental education.

22 The department shall establish a program to provide and
23 promote environmental education related to the conservation,
24 utilization and preservation of the natural resources of this
25 Commonwealth. For these purposes, the department may use funds
26 provided by the Department of Environmental ~~Resources~~ PROTECTION <—
27 pursuant to the act of June 22, 1993 (P.L.105, No.24), known as
28 the Environmental Education Act, and any other available funds.
29 The amount of funds provided by the Department of Environmental
30 ~~Resources~~ PROTECTION shall not be less than 25% of the annual <—

1 receipts of the Environmental Education Fund and may be used for
2 the purpose stated in this section notwithstanding any
3 limitations in the Environmental Education Act.

4 Section 312. Whitewater recreation.

5 (a) General rule.--The department shall have the power and
6 duty to promulgate rules and regulations to protect, manage and
7 regulate the recreational use of designated whitewater zones, to
8 license whitewater outfitters operating within designated
9 whitewater zones and to establish fees, royalties and charges
10 for licenses and for using public lands, waters and facilities.

11 (b) License guidelines.--For each specific designated
12 whitewater zone, a license to continue operating as a whitewater
13 rafting outfitter shall be issued by the department to any
14 whitewater rafting outfitter who:

15 (1) has provided whitewater rafting services on a
16 designated whitewater zone for a period of five or more
17 years;

18 (2) has provided those services under formal agreement
19 with the department;

20 (3) has demonstrated an acceptable measure of compliance
21 with the safety and operational requirements of that
22 agreement; and

23 (4) has provided whitewater rafting services on that
24 designated whitewater zone prior to operation and management
25 of that designated whitewater zone through formal agreement
26 with the department.

27 Each whitewater rafting outfitter presently conducting
28 whitewater rafting trips under agreement with the Department of
29 Environmental Resources shall be deemed to fulfill the foregoing
30 criteria.

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

3 (1) shall be for a period of ten years and shall be
4 renewable under guidelines appropriate and necessary to
5 protect the public health, safety and interest and provide
6 stability to the outfitting industry;

7 (2) shall be transferable under reasonable guidelines of
8 the department relating to transfer of licenses and required
9 qualifications of transferees;

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

15 (4) shall supersede, after the adoption of regulations,
16 any agreement between the department and a whitewater rafting
17 outfitter, except fee agreements in which a whitewater
18 rafting outfitter is required to pay the department a fee,
19 which fee agreements shall continue for the life of the
20 agreement and which shall not preclude the issuance of a
21 license.

22 (d) Additional whitewater rafting outfitter licenses.--The
23 department may, with regard to a specific designated whitewater
24 zone, accept bids, issue licenses and charge fees and royalties
25 for an additional whitewater rafting outfitter only if the
26 department determines that there is additional whitewater
27 rafting outfitter carrying capacity on the waterway and that
28 there is a need for additional whitewater rafting outfitter
29 allocations. Such licenses shall apply only for that specific
30 designated whitewater zone and only for a period not to exceed

1 ten years.

2 (e) Operation and safety of whitewater zone.--Licensed
3 whitewater rafting outfitters shall be subject to all
4 appropriate rules, regulations and guidelines promulgated by the
5 department for the purposes of regulating the operation and
6 safety of each designated whitewater zone.

7 (f) Termination.--Licenses granted by the department may be
8 terminated by the department for noncompliance after a 30-day
9 written notice to the outfitter and a hearing in accordance with
10 2 Pa.C.S. (relating to administrative law and procedure).
11 Section 313. Rulemaking authority.

12 (a) Interests of Commonwealth.--The department shall, in the
13 manner provided by law, promulgate such rules and regulations,
14 not inconsistent with law, for the control, management,
15 protection, utilization, development, occupancy and use of the
16 lands and resources of State parks and State forests, as it may
17 deem necessary or proper to conserve the interests of the
18 Commonwealth.

19 (b) State parks.--Rules and regulations with respect to
20 State parks shall be compatible with the purposes for which
21 State parks are created.

22 (c) State forests.--Rules and regulations with respect to
23 State forests shall be compatible with the purposes for which
24 the State forests are created, namely to provide a continuous
25 supply of timber, lumber, wood and other forest products, to
26 protect the watersheds, conserve the waters and regulate the
27 flow of rivers and streams of this Commonwealth and to furnish
28 opportunities for healthful recreation to the public.

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

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

5 (f) Powers of Environmental Quality Board.--The department
6 shall continue to exercise any power to formulate, adopt and
7 promulgate rules and regulations heretofore vested in the
8 Environmental Quality Board set forth in section 1920-A(c) of
9 the act of April 9, 1929 (P.L.177, No.175), known as The
10 Administrative Code of 1929, insofar as that power relates to
11 the power and duty to promulgate regulations imposed upon the
12 Department of Forests and Waters, the Secretary of Forests and
13 Waters, the Pennsylvania State Park and Harbor Commission of
14 Erie and the State Forest Commission.

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

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

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

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

26 (i) Law applicable.--The department shall promulgate its
27 rules and regulations subject to the act of July 31, 1968
28 (P.L.769, No.240), referred to as the Commonwealth Documents
29 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
30 Commonwealth Attorneys Act, and the act of June 25, 1982

1 (P.L.633, No.181), known as the Regulatory Review Act, except
2 for the establishment of fees and charges under section 314.
3 Section 314. Fees and charges.

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

21 Section 315. Conservation and Natural Resources Advisory
22 Council.

23 (a) Composition.--The Conservation and Natural Resources
24 Advisory Council shall consist of the Secretary of Conservation
25 and Natural Resources, six members who shall be appointed by the
26 Governor, no more than three of whom shall be of the same
27 political party, six members who shall be appointed by the
28 President pro tempore of the Senate, no more than three of whom
29 shall be of the same political party and six members who shall
30 be appointed by the Speaker of the House of Representatives, no

1 more than three of whom shall be of the same political party.
2 The appointed members of the council shall be citizens of this
3 Commonwealth, who, during their respective terms, shall hold no
4 other Commonwealth office to which any salary is attached. The
5 council shall include persons knowledgeable in fields related to
6 the work of the department.

7 (b) Term.--The term of office of each appointed member shall
8 be three years, measured from the third Tuesday of January of
9 the year in which he takes office, or until his successor has
10 been appointed; except that in the initial appointments of the
11 members of the council, the respective appointing authorities
12 shall appoint two members for terms of one year each, two
13 members for terms of two years each and two members for terms of
14 three years each.

15 (c) Officers and meetings.--The council shall annually elect
16 one of its appointed members as chairman and shall elect a
17 secretary who need not be a member of the council. Meetings of
18 the council shall be held at least quarterly or at the call of
19 the chairman.

20 (d) Powers and duties.--

21 (1) The council shall review all conservation and
22 natural resource laws of the Commonwealth and make
23 appropriate suggestions for the revision, modification and
24 codification thereof.

25 (2) The council shall consider, study and review the
26 work of the department and for this purpose the council shall
27 have access to all books, papers, documents and records
28 pertaining or belonging to the department.

29 (3) The council shall advise the department, on request,
30 and shall make recommendations upon its initiative for the

1 improvement of the work of the department.

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

5 (5) The council shall have power to employ and fix the
6 compensation of such experts, stenographers and assistants as
7 may be deemed necessary to carry out the work of the council,
8 but due diligence shall be exercised by the council to enlist
9 such voluntary organizations and other agencies in
10 Pennsylvania or elsewhere, generally recognized as qualified
11 to aid the council.

12 Section 316. Advisory committees.

13 (a) Creation.--The department is authorized to create
14 advisory committees to help develop or discuss proposed
15 regulation, final regulation or policy guidance and to provide
16 continuing advice on implementing programs administered by the
17 department.

18 (b) Organization.--Membership on an advisory committee shall
19 be balanced and shall be representative of the interests
20 affected by the particular regulation, policy, issue or program
21 assigned to the committee.

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

24 (d) Chairperson.--A chairperson shall be chosen by a
25 majority vote of the advisory committee members present at a
26 regularly scheduled meeting. A person employed by the department
27 shall not chair an advisory committee.

28 (e) Expenses.--Members of an advisory committee may be
29 reimbursed for their travel expenses to attend committee
30 meetings as authorized by the Executive Board. Employees of the

1 Commonwealth who serve as members of an advisory committee shall
2 only be entitled to the compensation and expenses they receive
3 as public employees.

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

7 Section 317. Ex officio memberships of secretary.

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

10 (1) The Boating Advisory Board.

11 (2) The Board of Trustees of The Pennsylvania State
12 University.

13 (3) The Hardwoods Development Council.

14 (4) The Wild Resource Conservation Board.

15 Section 318. Contracts and agreements.

16 (a) Authorized entities.--The department may enter into
17 contracts and agreements with persons, associations,
18 corporations, partnerships, municipalities, municipal
19 authorities and units of Federal, State and local government to
20 exercise the powers and fulfill the duties established by this
21 act.

22 (b) State System of Higher Education.--The department may
23 enter into agreements for studies and services with State-
24 related institutions and institutions which are part of the
25 State System of Higher Education without the need for
26 competitive procurement.

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

1 department.

2 Section 319. Transfer of funds.

3 (a) Transfer from Department of Environmental Resources.--
4 The administration of the following funds or portions of funds,
5 as may be administered by the Department of Environmental
6 Resources, shall be transferred from the Department of
7 Environmental Resources to the department:

8 (1) State Parks User Fees Restricted Receipts Account.

9 (2) Forestry Stumpage Sales Restricted Receipts Account.

10 (3) Quehanna Fund - Act 275 Restricted Revenue Account.

11 (4) Snowmobile/ATV Program Restricted Revenue Account.

12 (5) Quehanna Fund - Act 55 Restricted Revenue Account.

13 (6) Purchase of State Forest Land Restricted Revenue
14 Account.

15 (7) Keystone Recreation, Park and Conservation Fund.

16 (8) Land and Water Development Fund (Public Outdoor
17 Recreation Areas appropriation only).

18 (9) Motor License Fund.

19 (10) Oil and Gas Lease Fund.

20 (11) Wild Resource Conservation Fund.

21 (b) Transfer from Department of Community Affairs.--The
22 administration of the following funds or portions of funds shall
23 be transferred from the Department of Community Affairs to the
24 department:

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

26 (2) Pennsylvania Heritage Parks Program appropriations
27 from the General Fund.

28 (c) State forests.--A minimum of 10% of the previous fiscal
29 year's receipts of the Forestry Stumpage Sales Restricted
30 Receipts Account shall be transferred to a separate Forest

1 Regeneration Restricted Revenue Account and is hereby
2 appropriated to the department, in addition to the funds
3 necessary for the operation, maintenance and administration of
4 the state forest system, to expend on forest regeneration
5 activities, including, but not limited to, erecting deer fences,
6 planting trees and treating forests with herbicides. Any balance
7 in the Forest Regeneration Restricted Revenue Account in excess
8 of 5% of the previous year's receipts at the end of the fiscal
9 year shall be returned to the Forestry Stumpage Sales Restricted
10 Receipts Account.

11 Section 320. Renumbering regulations.

12 The department shall deposit a notice with the Legislative
13 Reference Bureau renumbering the following regulations and
14 statements of policy to the appropriate title of the
15 Pennsylvania Code and making at that time needed editorial
16 changes to reflect the transfers of powers and duties under this
17 act:

18 16 Pa. Code Ch. 5 Subch. E (relating to land and water
19 conservation fund-statement of policy)

20 25 Pa. Code Ch. 11 Subch. A (relating to scenic rivers)

21 25 Pa. Code Ch. 11 Subch. B (relating to natural areas
22 and wild areas)

23 25 Pa. Code Ch. 11 Subch. C (relating to campsites)

24 25 Pa. Code Ch. 17 (relating to transfer or exchange of
25 State park land-statement of policy)

26 25 Pa. Code Ch. 18 (relating to transfer or exchange of
27 State forest land-statement of policy)

28 ~~25 Pa. Code §§ 31.1 through 31.64 (relating to~~ <—
29 ~~miscellaneous provisions, swimming areas, camping areas,~~
30 ~~cabin areas and boating areas)~~

1 25 PA. CODE CH. 31 (RELATING TO GENERAL PROVISIONS) <—

2 25 Pa. Code Ch. 51 (relating to general provisions)

3 25 Pa. Code Ch. 52 (relating to State forest picnic
4 areas)

5 25 Pa. Code Ch. 81 (relating to prevention of railroad-
6 caused forest fires)

7 25 Pa. Code Ch. 82 (relating to conservation of
8 Pennsylvania native wild plants)

9 ~~25 Pa. Code §§ 195.91 through 195.96 (relating to~~ <—
10 ~~snowmobile and all terrain vehicle equipment requirements)~~

11 25 PA. CODE CH. 195 (RELATING TO SNOWMOBILE AND ALL- <—
12 TERRAIN VEHICLE REGISTRATION AND OPERATION)

13 Section 321. Transfer provisions.

14 (a) Transfer enumerated.--The following are transferred to
15 the department:

16 (1) ~~A~~ ALL bureaus, organizations and divisions in the <—
17 Department of Environmental Resources responsible for the
18 functions enumerated in this act.

19 (2) The Bureau of Recreation and Conservation in the
20 Department of Community Affairs.

21 (3) All personnel, allocations, appropriations,
22 equipment, files, records, contracts, agreements, obligations
23 and other materials which are used, employed or expended by
24 the Department of Environmental Resources in connection with
25 the functions transferred by this act to the Department of
26 Conservation and Natural Resources in the first instance and
27 as if these contracts, agreements and obligations had been
28 incurred or entered into by the Department of Conservation
29 and Natural Resources.

30 (4) All personnel, allocations, appropriations,

1 equipment, files, records, contracts, agreements, obligations
2 and other materials which are used, employed or expended by
3 the Department of Community Affairs in ~~connections~~ CONNECTION ←
4 with the functions transferred by this act to the Department
5 of Conservation and Natural Resources in the first instance
6 and as if these contracts, agreements and obligations had
7 been incurred or entered into by the Department of
8 Conservation and Natural Resources.

9 (b) Apportionment.--The personnel, appropriations, equipment
10 and other items and material transferred by this section shall
11 include an appropriate portion of the general administrative,
12 overhead and supporting personnel, appropriations, equipment and
13 other material of the agency and shall also include, where
14 applicable, Federal grants and funds and other benefits from any
15 Federal program.

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

19 Section 322. Civil service status.

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

25 CHAPTER 5

26 RENAMING DEPARTMENT OF ENVIRONMENTAL RESOURCES

27 AND DEFINING RULEMAKING AUTHORITY OF

28 DEPARTMENT OF ENVIRONMENTAL PROTECTION

29 Section 501. Department of Environmental Protection.

30 The Department of Environmental Resources is renamed the

1 Department of Environmental Protection.

2 Section 502. Rulemaking authority.

3 (a) Continuance.--~~The Department of Environmental Protection~~ <—
4 ENVIRONMENTAL QUALITY BOARD shall continue to exercise any power <—
5 to formulate, adopt and promulgate rules and regulations
6 heretofore CURRENTLY vested in the Environmental Quality Board <—
7 set forth in section 1920-A of the act of April 9, 1929
8 (P.L.177, No.175), known as The Administrative Code of 1929,
9 except that the Department of Conservation and Natural Resources
10 shall be vested with the power and the duty to promulgate
11 regulations imposed upon the Department of Forests and Waters,
12 the Secretary of Forests and Waters, the Pennsylvania State Park
13 and Harbor Commission of Erie and the State Forest Commission.

14 (b) Existing rules.--Any rules and regulations provided for
15 in subsection (a) promulgated prior to the effective date of
16 this act shall CONTINUE TO be the rules and regulations of the <—
17 ~~Department of Environmental Protection~~ ENVIRONMENTAL QUALITY <—
18 BOARD until such time as they are modified or repealed by ~~the~~ <—
19 ~~Department of Environmental Protection~~ THAT BOARD. <—

20 (c) Environmental Quality Board.--~~The Department of~~ <—
21 ~~Environmental Protection~~ ENVIRONMENTAL QUALITY BOARD shall have <—
22 the powers and duties ~~previously~~ CURRENTLY vested in the <—
23 Environmental Quality Board, except as vested in the Department
24 of Conservation and Natural Resources by this act, which powers
25 and duties are more specifically set forth, but not limited by,
26 the following:

27 Sections ~~1920 A(i) and 1930 A~~ 1920-A(H) AND (I) of the <—
28 act of April 9, 1929 (P.L.177, No.175), known as The
29 Administrative Code of 1929.

30 Sections 1, 5, 8 and 612 of the act of June 22, 1937

1 (P.L.1987, No.394), known as The Clean Streams Law.

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

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

6 The act of January 8, 1960 (1959 P.L.2119, No.787), known
7 as the Air Pollution Control Act, EXCEPT SECTION 7.5. <—

8 Sections 2, 5 7.2, 8 and 9 of the act of January 24, 1966 <—
9 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage
10 Facilities Act.

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

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

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

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

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

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

27 Sections 14 and 17 of the act of October 4, 1978
28 (P.L.864, No.167), known as the Storm Water Management Act.

29 Sections 5, 7, 10, 11, 17 and 26 of the act of November
30 26, 1978 (P.L.1375, No.325), known as the Dam Safety and

1 Encroachments Act.

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

5 Sections 104, ~~105, 402, 506, 507~~ 105(A), (B), (C), (E) <—
6 AND (J), 402, 506 and 610 of the act of July 7, 1980
7 (P.L.380, No.97), known as the Solid Waste Management Act.

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

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

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

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

18 Sections 301, ~~302~~ 302(A), 304, 305, 314 and 321 of the <—
19 act of February 9, 1988 (P.L.31, No.12), known as the Low-
20 Level Radioactive Waste Disposal Act.

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

23 ~~Sections 2, 3 and 4~~ SECTION 4(B) of the act of July 13, <—
24 1988 (P.L.525, No.93), referred to as the Infectious and
25 Chemotherapeutic Waste Law.

26 Sections 302, 1102 and 1512 of the act of July 28, 1988
27 (P.L.556, No.101), known as the Municipal Waste Planning,
28 Recycling and Waste Reduction Act.

29 Sections ~~103,~~ 303, 501, 504, 510 and 1104 of the act of <—
30 October 18, 1988 (P.L.756, No.108), known as the Hazardous

1 Sites Cleanup Act.

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

4 Sections ~~103~~, 105, 106, 505, 701 and 1102 of the act of <—
5 July 6, 1989 (P.L.169, No.32), known as the Storage Tank and
6 Spill Prevention Act.

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

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

12 75 Pa.C.S. § 4909 (relating to transporting foodstuffs in
13 vehicles used to transport waste).

14 (d) Rules and regulations.--The ~~Department of Environmental~~ <—
15 ~~Protection~~ ENVIRONMENTAL QUALITY BOARD shall, in the manner <—
16 provided by law, promulgate the rules and regulations necessary
17 to carry out this chapter.

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

30 Section 503. Continued authority of Department of Environmental

1 Protection, STATE CONSERVATION COMMISSION AND ←
2 DEPARTMENT OF AGRICULTURE.

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 (c) SAND AND GRAVEL PERMITS.--SECTION 1808(D) OF THE ACT OF ←
16 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
17 CODE OF 1929, IS SAVED FROM REPEAL AND THE DEPARTMENT OF
18 ENVIRONMENTAL PROTECTION AND PENNSYLVANIA FISH AND BOAT
19 COMMISSION SHALL CONTINUE TO EXERCISE THE RIGHTS, POWERS AND
20 DUTIES THEREOF, PROVIDED THAT THE PENNSYLVANIA FISH AND BOAT
21 COMMISSION MAY, BY REGULATION, WITH THE CONCURRENCE OF THE
22 DEPARTMENT OF ENVIRONMENTAL PROTECTION, ADJUST THE AMOUNT OF THE
23 ROYALTY PAYMENTS PER TON OR CUBIC FOOT OF USABLE AND/OR
24 MERCHANTABLE SAND AND/OR GRAVEL.

25 (d) STATE CONSERVATION COMMISSION.--THE STATE CONSERVATION
26 COMMISSION ESTABLISHED UNDER THE ACT OF MAY 15, 1945 (P.L.547,
27 NO.217), KNOWN AS THE CONSERVATION DISTRICT LAW, SHALL CONTINUE
28 TO HAVE ALL THE POWERS AND DUTIES ASSIGNED UNDER THAT ACT AND
29 ALL THE POWERS AND DUTIES ASSIGNED UNDER THE ACT OF MAY 20, 1993
30 (P.L.12, NO.6), KNOWN AS THE NUTRIENT MANAGEMENT ACT, EXCEPT AS

1 MODIFIED BELOW. THE FOLLOWING PROVISIONS ARE INTENDED TO MODIFY
2 THE AUTHORITY AND RESPONSIBILITIES OF THE STATE CONSERVATION
3 COMMISSION AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
4 THE DEPARTMENT OF AGRICULTURE:

5 (1) THE CHAIRMANSHIP OF THE STATE CONSERVATION
6 COMMISSION SHALL ROTATE ON AN ANNUAL BASIS BETWEEN THE
7 SECRETARY OF AGRICULTURE AND THE SECRETARY OF ENVIRONMENTAL
8 PROTECTION WITH THE SECRETARY OF AGRICULTURE CHAIRING THE
9 STATE CONSERVATION COMMISSION FOR THE FIRST ANNUAL ROTATION
10 BEGINNING JULY 1, 1995.

11 (2) THE STATE CONSERVATION COMMISSION BY A MAJORITY VOTE
12 SHALL SELECT AND EMPLOY AN INDEPENDENT EXECUTIVE SECRETARY TO
13 ACT AS STAFF TO THE STATE CONSERVATION COMMISSION WHO IS NOT
14 SUPERVISED BY EITHER THE DEPARTMENT OF ENVIRONMENTAL
15 PROTECTION OR THE DEPARTMENT OF AGRICULTURE. THE STATE
16 CONSERVATION COMMISSION IS AUTHORIZED TO ASSIGN THE EXECUTIVE
17 SECRETARY DUTIES AND RESPONSIBILITIES AS REQUIRED TO FULFILL
18 ITS OBLIGATIONS UNDER STATE LAW TO DEVELOP, IMPLEMENT AND
19 ENFORCE CONSERVATION PROGRAMS, INCLUDING THE NUTRIENT
20 MANAGEMENT ACT.

21 (3) TO ENHANCE THE ABILITY OF THE STATE CONSERVATION
22 COMMISSION TO ACCOMPLISH ITS OBLIGATIONS, THE SECRETARY OF
23 AGRICULTURE SHALL DESIGNATE AN OFFICE AND STAFF WITHIN THAT
24 AGENCY TO COORDINATE AND ASSIST IN THE DEVELOPMENT,
25 IMPLEMENTATION AND ENFORCEMENT OF PROGRAMS ADOPTED BY THE
26 STATE CONSERVATION COMMISSION THAT SOLELY AFFECT PRODUCTION
27 AGRICULTURE. THE OFFICE AND STAFF DESIGNATED BY THE SECRETARY
28 OF AGRICULTURE SHALL BE AN ADVOCATE FOR PRODUCTION
29 AGRICULTURE IN THE DEVELOPMENT OF PROGRAMS BY THE STATE
30 CONSERVATION COMMISSION, ASSIST IN DEVELOPING METHODS OF

1 MANAGING EXCESS MANURE IN AN ENVIRONMENTALLY SOUND MANNER,
2 DEVELOP PROGRAMS TO ASSIST THOSE ENGAGED IN PRODUCTION
3 AGRICULTURE TO COMPLY WITH THE NUTRIENT MANAGEMENT ACT AND
4 ACT AS AN OMBUDSMAN TO HELP RESOLVE ISSUES RELATED TO COUNTY
5 CONSERVATION DISTRICT IMPLEMENTATION OF STATE CONSERVATION
6 COMMISSION PROGRAMS SOLELY AFFECTING PRODUCTION AGRICULTURE.

7 (4) THE SECRETARY OF ENVIRONMENTAL PROTECTION SHALL
8 DESIGNATE AN OFFICE AND STAFF WITHIN THE AGENCY TO COORDINATE
9 AND ASSIST IN THE DEVELOPMENT, IMPLEMENTATION AND ENFORCEMENT
10 OF PROGRAMS ADOPTED BY THE STATE CONSERVATION COMMISSION
11 WHICH ARE INTENDED, IN WHOLE OR IN PART, TO PROTECT SURFACE
12 OR GROUND WATER.

13 (5) THE STATE CONSERVATION COMMISSION SHALL BE
14 RESPONSIBLE FOR TAKING ENFORCEMENT ACTIONS UNDER THE NUTRIENT
15 MANAGEMENT ACT. IN THE EXERCISE OF ITS ENFORCEMENT AUTHORITY,
16 THE STATE CONSERVATION COMMISSION SHALL BE ASSISTED BY THE
17 STAFF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR
18 ACTIONS RESULTING IN VIOLATIONS OF THE ACT OF JUNE 22, 1937
19 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS LAW, AND SHALL
20 BE ASSISTED BY THE DEPARTMENT OF AGRICULTURE FOR ALL OTHER
21 VIOLATIONS.

22 SECTION 504. ENERGY PROGRAMS.

23 (A) BUILDING ENERGY CONSERVATION ACT.--THE DEPARTMENT OF
24 ENVIRONMENTAL PROTECTION HAS THE POWERS AND DUTIES PREVIOUSLY
25 VESTED IN THE GOVERNOR'S ENERGY COUNCIL BY THE ACT OF DECEMBER
26 15, 1980 (P.L.1203, NO.222), KNOWN AS THE BUILDING ENERGY
27 CONSERVATION ACT.

28 (B) ENERGY CONSERVATION AND ASSISTANCE ACT.--THE DEPARTMENT
29 OF ENVIRONMENTAL PROTECTION HAS THE POWERS AND DUTIES PREVIOUSLY
30 VESTED IN THE GOVERNOR'S ENERGY COUNCIL BY THE ACT OF JULY 10,

1 1986 (P.L.1398, NO.122), KNOWN AS THE ENERGY CONSERVATION AND
2 ASSISTANCE ACT.

3 (C) ALTERNATIVE FUELS.--THE DEPARTMENT OF ENVIRONMENTAL
4 PROTECTION HAS THE POWERS AND DUTIES PREVIOUSLY VESTED IN THE
5 PENNSYLVANIA ENERGY OFFICE BY 75 PA.C.S. CH. 72 (RELATING TO
6 ALTERNATIVE FUELS).

7 (D) OTHER POWERS AND DUTIES TRANSFERRED.--ANY REFERENCE TO
8 THE PENNSYLVANIA ENERGY OFFICE IN ANY OTHER ACT SHALL BE
9 INTERPRETED TO MEAN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
10 AND ANY SUCH POWERS AND DUTIES IN SUCH ACTS AND OTHER FUNCTIONS
11 CURRENTLY PERFORMED OR ADMINISTERED BY THE PENNSYLVANIA ENERGY
12 OFFICE ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF ENVIRONMENTAL
13 PROTECTION.

14 SECTION 505. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

15 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE
16 DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL EXERCISE THE
17 POWERS AND DUTIES AND PERFORM THE DUTIES BY LAW HERETOFORE
18 VESTED IN AND IMPOSED UPON THE DEPARTMENT OF ENVIRONMENTAL
19 RESOURCES AS FOLLOWS:

20 (1) THE CONTROL OF NUISANCES FROM GROUNDS, VEHICLES,
21 APARTMENTS, BUILDINGS AND PLACES WITHIN THIS COMMONWEALTH, TO
22 THE SANITARY CONDITION OF TENEMENTS, LODGING AND BOARDING
23 HOUSES, TO MANAGEMENT OF THE SANITARY AFFAIRS OF THIS
24 COMMONWEALTH, THE ISSUANCE OF WATERWORKS PERMITS AND TO THE
25 CONTROL OF WATER POLLUTION.

26 (2) THE ACT OF NOVEMBER 10, 1959 (P.L.1400, NO.497),
27 ENTITLED "AN ACT PROVIDING FOR THE ANNUAL REGISTRATION OF
28 ORGANIZED CAMPS FOR CHILDREN, YOUTH AND ADULTS; DEFINING THE
29 DUTIES OF THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH OF
30 PENNSYLVANIA; AND PRESCRIBING PENALTIES."

1 (3) THE ACT OF JUNE 23, 1931 (P.L.899, NO.299), KNOWN AS
2 THE PUBLIC BATHING LAW. AS TO THE PUBLIC BATHING LAW, THE
3 DEPARTMENT OF HEALTH SHALL HAVE THE AUTHORITY TO PROMULGATE
4 RULES AND REGULATIONS TO PROTECT THE PUBLIC HEALTH AND SAFETY
5 AT ALL PUBLIC PLACES.

6 SECTION 506. DEPARTMENT OF AGRICULTURE.

7 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE
8 DEPARTMENT OF AGRICULTURE SHALL EXERCISE THE POWERS AND DUTIES
9 AND PERFORM THE DUTIES BY LAW HERETOFORE VESTED IN AND IMPOSED
10 UPON THE DEPARTMENT OF ENVIRONMENTAL RESOURCES UNDER THE ACT OF
11 JUNE 23, 1978 (P.L.537, NO.93), KNOWN AS THE SEASONAL FARM LABOR
12 ACT.

13 SECTION 507. TRANSFER OF FUNDS.

14 THE ADMINISTRATION OF THE FOLLOWING FUNDS OR PORTIONS OF
15 FUNDS, AS MAY BE ADMINISTERED BY THE PENNSYLVANIA ENERGY OFFICE,
16 SHALL BE TRANSFERRED FROM THE PENNSYLVANIA ENERGY OFFICE TO THE
17 DEPARTMENT OF ENVIRONMENTAL PROTECTION:

18 (1) ENERGY CONSERVATION AND ASSISTANCE FUND.

19 (2) ALTERNATIVE FUELS INCENTIVE GRANT FUND.

20 (3) ALL OTHER FUNDS OR PORTIONS OF FUNDS CURRENTLY
21 ADMINISTERED BY THE PENNSYLVANIA ENERGY OFFICE.

22 SECTION 508. REGULATIONS.

23 ANY REGULATIONS, GUIDELINES OR STATEMENTS OF POLICY ISSUED BY
24 THE PENNSYLVANIA ENERGY OFFICE FOR THE FUNCTIONS TRANSFERRED TO
25 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL REMAIN IN
26 EFFECT UNTIL SUCH TIME AS THE DEPARTMENT OF ENVIRONMENTAL
27 PROTECTION SHALL DETERMINE THE NEED TO AMEND SUCH REGULATIONS,
28 GUIDELINES OR STATEMENTS OF POLICY.

29 SECTION 509. TRANSFER OF PERSONNEL.

30 (A) GENERAL RULE.--CERTAIN PERSONNEL, ALLOCATIONS,

1 APPROPRIATIONS, FIXED ASSETS, EQUIPMENT, FILES, RECORDS,
2 CONTRACTS, AGREEMENTS, OBLIGATIONS AND ALL OTHER MATERIALS AND
3 SUPPLIES WHICH ARE USED, EMPLOYED OR EXPENDED BY THE
4 PENNSYLVANIA ENERGY OFFICE IN CONNECTION WITH THE FUNCTIONS
5 TRANSFERRED BY THIS ACT TO THE DEPARTMENT OF ENVIRONMENTAL
6 PROTECTION IN THE FIRST INSTANCE SHALL BE TRANSFERRED FROM THE
7 PENNSYLVANIA ENERGY OFFICE TO THE DEPARTMENT OF ENVIRONMENTAL
8 PROTECTION, AND SHALL BE CONSIDERED AS IF THESE CONTRACTS,
9 AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR ENTERED INTO BY
10 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

11 (B) FEDERAL PROGRAMS.--THE ITEMS TRANSFERRED BY THIS SECTION
12 SHALL INCLUDE, WHERE APPLICABLE, FEDERAL GRANTS AND FUNDS AND
13 OTHER BENEFITS FROM ANY FEDERAL PROGRAM.

14 (C) CIVIL SERVICE STATUS.--ALL PERSONNEL TRANSFERRED UNDER
15 THIS ACT SHALL RETAIN ANY CIVIL SERVICE EMPLOYMENT STATUS
16 ASSIGNED TO SAID PERSONNEL.

17 CHAPTER 11

18 GENERAL PROVISIONS

19 Section 1101. Savings provision.

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

28 (b) Matters ~~transferred to~~ REMAINING WITH Department of
29 Environmental Protection.--All other orders, permits,
30 regulations, decisions and other actions of the Department of

<—

1 Environmental Resources shall remain in full force and effect
2 until modified, repealed, suspended, superseded or otherwise
3 changed by appropriate action of the Department of Environmental
4 Protection.

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

8 Section 1102. Repeals.

9 (a) Absolute.--The following acts and parts of acts are
10 repealed:

11 Sections 1902-A, 1903-A, 1906-A, 1907-A, 1908-A(2), ~~1919-A,~~ <—
12 1910-A, 1911-A, 1912-A, 1913-A, 1914-A, 1924-A and 1926-A of the <—
13 act of April 9, 1929 (P.L.177, No.175), known as The
14 Administrative Code of 1929.

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

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

21 Section 1103. Effective date.

22 This act shall take effect July 1, 1995.