

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1400 Session of 1995

INTRODUCED BY REBER, GEORGE, RYAN, PERZEL, DeWEESE, ITKIN, ARGALL, BUNT, HANNA, FARGO, CORNELL, GODSHALL, FEESE, STERN, S. H. SMITH, PHILLIPS, LYNCH, FARMER, D. W. SNYDER, M. N. WRIGHT, SAYLOR, BELARDI, E. Z. TAYLOR, BAKER, D. R. WRIGHT, COLAFELLA, ARMSTRONG, MILLER, HALUSKA, STAIRS, SEMMEL, MICOZZIE, HUTCHINSON, COY, DEMPSEY, MERRY, LEH, HERSHEY, PESCI, FICHTER, COLAIZZO, GRUPPO, CONTI, JADLOWIEC, BARLEY, FLEAGLE, STISH, DALEY, CLYMER, CLARK, HENNESSEY, MASLAND, RUBLEY, SATHER, McCALL, GRUITZA, LaGROTTA, LESCOVITZ, BELFANTI, TULLI, WOZNIAK, TRELLO, GLADECK, HESS, SCHULER, ZIMMERMAN, STABACK, McGILL, TRUE, YEWIC, FLICK, BROWNE AND DERMODY, APRIL 20, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 7, 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 Environmental Protection; making changes to responsibilities  
8 of the State Conservation Commission and the Department of  
9 Agriculture; transferring certain powers and duties to the  
10 Department of Health and ~~Human Services~~; and repealing  
11 inconsistent acts. <—

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1 Department of Agriculture.  
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12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 CHAPTER 1

15 PRELIMINARY PROVISIONS

16 Section 101. Findings and statement of purpose.

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

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

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

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

28 (4) Our State parks and forests and community recreation  
29 and heritage conservation areas are critical to the continued  
30 success of our tourism and recreation industry, the second

1 largest industry in the State.

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

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

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

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

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

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

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

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

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

15 (3) To retain the rulemaking powers of the Environmental  
16 Quality Board in relation to the Department of Environmental  
17 Protection.

18 Section 102. Short title.

19 This act shall be known and may be cited as the Conservation  
20 and Natural Resources Act.

21 Section 103. Definitions.

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

25 "Commonwealth." The Commonwealth of Pennsylvania.

26 "Department." The Department of Conservation and Natural  
27 Resources of the Commonwealth established in section 301.

28 "Secretary." The Secretary of Conservation and Natural  
29 Resources.

30

CHAPTER 3

1 DEPARTMENT OF CONSERVATION AND NATURAL  
2 RESOURCES

3 Section 301. Creation of department.

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

12 Section 302. Forests.

13 (a) Acquisition, establishment and disposition.--The  
14 department has the following powers and duties with respect to  
15 the acquisition, establishment and disposition of State forest  
16 lands and certain other Commonwealth-owned resources:

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

1 adjoining lands as may be deemed necessary to control,  
2 maintain and develop such towers and stations and furnish  
3 access to them.

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

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

17 (4) To divide this Commonwealth into such convenient  
18 forest districts as it considers economical and effective, to  
19 administer, protect, develop, utilize and regulate the  
20 occupancy and use of the lands and resources of the State  
21 forests, to protect all forest land in this Commonwealth from  
22 forest fires, fungi, insects and other enemies, to promote  
23 and develop forestry and knowledge of forestry throughout  
24 this Commonwealth, to advise and assist landowners in the  
25 planting of forest and shade trees, to obtain and publish  
26 information respecting forest lands and forestry in this  
27 Commonwealth, to assist in Arbor Day work and promote and  
28 advance any other activity in local forestry which the  
29 department may consider helpful to the public interest and to  
30 execute the rules and regulations of the department for the

1 protection of forest from fire and depredation. It may also  
2 assign district foresters to take active charge of such  
3 forest districts, and also foresters, forest rangers and  
4 other help, for the administration of forest districts, as  
5 the secretary considers necessary and for the accomplishment  
6 throughout this Commonwealth of the purposes for which the  
7 department is established.

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

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



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

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

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

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

30 (10) To furnish information and issue certificates and

1 requisitions necessary for the payment of the fixed charges,  
2 in lieu of taxes on State forest and auxiliary forest  
3 reserves, to school districts, road districts and counties,  
4 as may now or hereafter be provided by law.

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

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

15 (13) To have the authority, with the approval of the  
16 Governor, to enter into agreements with owners or lessees of  
17 property or property rights located in the same area as lands  
18 owned or leased by the Commonwealth, for the protection,  
19 preservation or recovery of metallic or nonmetallic ore,  
20 fuel, oil, natural gas or any other mineral deposits  
21 underlying those lands, provided the deposits are owned by  
22 the Commonwealth.

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

26 (1) To lease, for a period not exceeding ten years, on  
27 terms and conditions as it may consider reasonable, to any  
28 person, corporation, association, church organization or  
29 school board of this Commonwealth, such portion of any State  
30 forest, whether owned or leased by the Commonwealth, as the

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

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

29 (3) To grant rights-of-way through State forests, to  
30 individuals or corporations who may apply therefor, when it

1 shall appear to the department that the grant of a right-of-  
2 way will not so adversely affect the land as to interfere  
3 with its usual and orderly administration, and when it shall  
4 appear that the interests of the Commonwealth or its citizens  
5 will be promoted by such grant. Right-of-way, as used in this  
6 subsection, is hereby construed to include rights of passage  
7 and haulage for any lawful purpose, also rights of flowage or  
8 transmission for any lawful purpose.

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

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

26 (6) In all cases where there are public roads, regularly  
27 established, running into or through or bordering upon State  
28 forests, from time to time, to expend such reasonable sums  
29 for the maintenance, repair or extension of such roads as may  
30 be necessary for the proper administration and protection of

1 State forests. All expenses that may thus be incurred shall  
2 be paid in the same manner as the other expenses of the  
3 department.

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

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

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

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

29 (11) To lease, with the approval of the Governor, and in  
30 cooperation with the Department of Commerce, those State

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

1 audited two years from the effective date of this act and at  
2 two-year intervals thereafter, with any residue appearing in  
3 the account at the end of each auditing period to be  
4 deposited in the General Fund. The department is hereby  
5 authorized to indemnify and hold harmless PermaGrain  
6 Products, Inc., from and against any and all damages incurred  
7 by PermaGrain Products, Inc., related to personal injury or  
8 property damage, resulting from radioactive contamination  
9 arising exclusively from performance by this Commonwealth or  
10 its contractors of the characterization, remediation,  
11 decontamination and removal of radioactive materials from  
12 contaminated structures on those State forest lands acquired  
13 from the Pennsylvania State University or Curtiss-Wright  
14 Corporation and located at Quehanna, Pennsylvania.

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

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

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

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

30 (2) Supervise and manage the forest fire wardens



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

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

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

19 (5) Plan and to put into operation and maintain a system  
20 of fire towers and observation stations, which shall cover  
21 the regions subject to forest fires and to purchase the  
22 necessary materials and equipment and hire the necessary  
23 labor.

24 (6) Appoint certain forest fire wardens as patrolmen for  
25 regions subject to great fire risk during dry seasons,  
26 whenever necessary.

27 (7) Enter into agreements with persons, associations or  
28 corporations, upon satisfactory terms, for forest fire  
29 prevention or control.

30 (8) Conduct educational work in relation to the

1 protection of forests from fire.

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

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

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

16 (12) Issue, to persons appointed forest fire wardens,  
17 certificates of appointment and, when deemed advisable, to  
18 issue badges to such persons.

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

21 (1) Establish headquarters at some advantageous place  
22 within his district.

23 (2) Act as the field representative of the Chief Forest  
24 Fire Warden.

25 (3) Collect and forward to the Chief Forest Fire Warden  
26 such data within his district as may be required by the Chief  
27 Forest Fire Warden.

28 (4) Make recommendations to the Chief Forest Fire Warden  
29 for the appointment of local fire wardens, the location of  
30 towers, the employment of patrolmen, the region to be

1 patrolled and such other matters as may come to his attention  
2 which would tend to improve the protective system.

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

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

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

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

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

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

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

22 (1) Whenever fire is discovered in or approaching  
23 woodlots, forests or wild lands, whether the same be owned by  
24 individuals, corporations or by the Commonwealth, immediately  
25 to take such measures as are necessary to extinguish the  
26 fire.

27 (2) Whenever fires have been combated or extinguished,  
28 to prepare a correct statement of expenses, upon forms to be  
29 furnished by the department, which must be filed with the  
30 district forest fire warden and forwarded to the Chief Forest

1 Fire Warden within 60 days of the date of the fire.

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

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

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

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

15 (1) Employ such other persons, as in his judgment may be  
16 necessary, to render assistance in extinguishing forest  
17 fires, and to compel the attendance of persons and to require  
18 their assistance, in the extinguishing of forest fires.

19 (2) Administer an oath or affirmation, in order to  
20 examine any person who he believes knows facts relating to  
21 any forest fire, or who claims compensation for services  
22 rendered.

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

25 (4) Arrest on view, without first procuring a warrant,  
26 any person detected by him in the act of committing an  
27 offense against any of the laws for the protection of  
28 forests, woodlots or wild lands, or, when he shall have a  
29 reasonable suspicion that any person is committing or about  
30 to commit some such offense. Such forest warden shall have

1 further power to take the offender before a justice of the  
2 peace, magistrate or other officer having jurisdiction, for  
3 hearing, trial or other due process of law.

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

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

12 The Commissioner of Forestry by the act of March 30, 1897  
13 (P.L.11, No.10), entitled "An act authorizing the purchase by  
14 the Commonwealth of unseated lands for the non-payment of  
15 taxes for the purpose of creating a State Forest  
16 Reservation."

17 The Commissioner of Forestry and the State Forestry  
18 Reservation Commission by the act of February 25, 1901  
19 (P.L.11, No.9), entitled "An act to establish a Department of  
20 Forestry, to provide for its proper administration, to  
21 regulate the acquisition of land for the Commonwealth, and to  
22 provide for the control, protection and maintenance of  
23 Forestry Reservations by the Department of Forestry."

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

30 The Commissioner of Forestry by section 15 of the act of

1 May 13, 1909 (P.L.781, No.601), entitled "An act to create a  
2 system of fire-wardens to preserve the forest of the  
3 Commonwealth, by preventing and suppressing forest fires, and  
4 prescribing penalties for the violation thereof; providing  
5 for the compensation of the fire-wardens and those who assist  
6 in extinguishing fire, and making an appropriation therefor."

7 The State Forestry Reservation Commission by the act of  
8 May 11, 1911 (P.L.271, No.173), entitled "An act empowering  
9 the United States of America to acquire land in the State of  
10 Pennsylvania for National Forest Reserves, by purchase or by  
11 condemnation proceedings; and granting to the United States  
12 of America all rights necessary for control and regulation of  
13 such reserves."

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

20 The Department of Forestry by the act of July 22, 1913  
21 (P.L.906, No.432), entitled "A supplement to an act, entitled  
22 'An act to create a system of fire-wardens to preserve the  
23 forests of the Commonwealth, by preventing and suppressing  
24 forest fires, and prescribing penalties for the violation  
25 thereof; providing for the compensation of the fire-wardens  
26 and those who assist in extinguishing fire, and making an  
27 appropriation therefor,' approved the thirteenth day of May,  
28 one thousand nine hundred and nine; conferring authority upon  
29 the Department of Forestry to enter into cooperative  
30 relations with local associations established for the purpose

1 of preventing forest fires, and providing for and regulating  
2 a local fire patrol and the compensation thereof."

3 The Department of Forests and Waters by the act of April  
4 21, 1915 (P.L.140, No.68), entitled "An act directing the  
5 county commissioners of the several counties to offer for  
6 sale to the Department of Forestry tracts of land which they  
7 may have purchased at county treasurers' sales, for  
8 acceptance or refusal for forestry purposes, and to convey to  
9 the Commonwealth of Pennsylvania the tracts so offered to be  
10 sold, if accepted by the department."

11 The Department of Environmental Resources and the  
12 Secretary of Environmental Resources by section 601 of the  
13 act of June 2, 1915 (P.L.736, No.338), known as the Workers'  
14 Compensation Act.

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

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

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

27 The Department of Forestry and the Commissioner of  
28 Forestry by the act of May 21, 1923 (P.L.290, No.186),  
29 entitled "An act authorizing the Department of Forestry to  
30 grant, on terms, conditions, and stipulations, rights to

1 occupy and use any portions of the State forests for dams,  
2 reservoirs, canals, pipe lines, and other water conduits, for  
3 certain water supply purposes; and providing remedies for  
4 violations of this act, or regulations or orders hereunder,  
5 or of such terms, conditions, or stipulations; and providing  
6 for revocation of the grant in certain cases."

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

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

23 The Department of Forests and Waters and the Secretary of  
24 Forests and Waters by the act of April 11, 1925 (P.L.232,  
25 No.153), entitled "An act making an appropriation; and  
26 providing for the hearing, adjusting, and paying of moral  
27 claims against the Commonwealth for injury to, or death of,  
28 persons while fighting forest fires under orders of agents of  
29 the Department of Forests and Waters."

30 The Department of Forests and Waters and the State Forest



1 Commission by the act of May 13, 1925 (P.L.643, No.346),  
2 entitled "An act to provide for the purchase by the  
3 Commonwealth of agricultural land suited to the growing of  
4 forest tree seedlings, and fixing a maximum amount that may  
5 be paid therefor."

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

15 The Department of Forests and Waters by the act of April  
16 3, 1929 (P.L.135, No.137), entitled "An act authorizing the  
17 Department of Justice, acting for the Department of Forests  
18 and Waters, to institute suits on behalf of the Commonwealth  
19 to recover from persons, associations, copartnerships, and  
20 corporations, and their officers, agents, and employes,  
21 causing forest fires, the expenses incurred by the Department  
22 of Forests and Waters on account of such fires."

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

26 The Secretary of Forest and Waters by the act of April  
27 11, 1929 (P.L.515, No.219), entitled "An act for the  
28 elimination of special forest fire hazards; authorizing the  
29 Chief Forest Fire Warden, under certain circumstances, to  
30 declare any such hazard a public nuisance; providing for the

1 abatement of the same, and for the collection of the cost of  
2 abatement; and imposing penalties."

3 The Secretary of Forests and Waters by the act of May 17,  
4 1929 (P.L.1798, No.591), referred to as the Forest Reserves  
5 Municipal Financial Relief Law.

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

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

13 The Department of Forests and Waters by the act of June  
14 23, 1931 (P.L.1202, No.328), entitled "An act authorizing the  
15 Department of Forests and Waters to cooperate with and to  
16 receive contributions from the Federal Government for  
17 forestry purposes; and providing for the use of such  
18 contributions."

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

22 The Department of Forests and Waters by the act of April  
23 13, 1933 (P.L.35, No.30), entitled "An act for the  
24 development and use of unredeemed seated and unseated lands  
25 purchased by county commissioners at tax sales; providing for  
26 the holding and permanent retention of such lands by the  
27 county for forest or recreational uses beneficial to the  
28 local community, or for their transfer to the State, under  
29 suitable restrictions for similar uses, subject to certain  
30 annual charges; providing for the use of revenues derived

1 from such lands; providing a procedure for the discharge of  
2 liens of record against such lands by sale after notice to  
3 owners and lien creditors; providing for the sale by counties  
4 of such lands as are retained by the county; providing for  
5 the appointment by local State Forest Advisory Councils; and  
6 conferring powers upon the Department of Forests and Waters  
7 and the Board of Game Commissioners with respect to the  
8 acquisition and exchange of such lands, their proper  
9 organization and development, and the acceptance of gifts of  
10 lands."

11 The Department of Forests and Waters by sections 1908,  
12 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916 and 1917 of  
13 the act of May 1, 1933 (P.L.103, No.69), known as The Second  
14 Class Township Code.

15 The Department of Forests and Waters by the act of May  
16 22, 1933 (P.L.853, No.155), known as The General County  
17 Assessment Law.

18 The Department of Forests and Waters by the act of May  
19 22, 1933 (P.L.907, No.165), entitled "An act empowering the  
20 Department of Forests and Waters and the Board of Game  
21 Commissioners to purchase, in the name of the Commonwealth,  
22 seated and unseated lands at tax sales held by county  
23 treasurers; providing for and regulating the payment of the  
24 purchase price and redemptions in such cases; and providing  
25 for the payment of State charges on such lands."

26 The Secretary of Forests and Waters by the act of July  
27 29, 1953 (P.L.970, No.235), referred to as the Middle  
28 Atlantic Interstate Forest Fire Protection Compact Act.

29 The Secretary of Forests and Waters and the Department of  
30 Forests and Waters by the act of July 9, 1959 (P.L.510,

1 No.137), known as the Pennsylvania Public Lands Act.

2 The Department of Forests and Waters by the act of June  
3 15, 1961 (P.L.418, No.208), known as the State Forest Lands  
4 Prospecting Act.

5 The Secretary of Forests and Waters and the Department of  
6 Forests and Waters by subarticle (c) of Article XXVII of the  
7 act of February 1, 1966 (1965 P.L.1656, No.581), known as The  
8 Borough Code.

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

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

1 presumptions in relation thereto; providing for the issuance  
2 of special permits for minors engaging in the entertainment  
3 and related fields; providing penalties for the violation of  
4 the provisions thereof; and repealing all acts or parts of  
5 acts inconsistent therewith,' providing for participation in  
6 certain training and fire-fighting activities."

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

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

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

24 The Department of Environmental Resources by 34 Pa.C.S. §  
25 723 (relating to exchange or sale).

26 The Department of Environmental Resources by 74 Pa.C.S. §  
27 5905 (relating to certain State-owned airport).

28 Section 303. Parks.

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

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

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

19           (3) To see that conveniences and facilities for the  
20 transportation, shelter, comfort and education of people  
21 shall be so designed and constructed as to retain, so far as  
22 may be, the naturalistic appearance of State park areas,  
23 surroundings and approaches, and conceal the hand of man as  
24 ordinarily visible in urban, industrial and commercial  
25 activities.

26           (4) To lease for a period not to exceed ten years, on  
27 such terms as may be considered reasonable, to any person,  
28 corporation, association or organization of this Commonwealth  
29 a portion of any State park, whether owned or leased by the  
30 Commonwealth, as may be suitable as a site for buildings and

1 facilities to be used for health, recreational or educational  
2 purposes, or for parking areas or concessions for the  
3 convenience and comfort of the public. However, the  
4 department may, with the approval of the Governor, if a  
5 substantial capital investment is involved and if it is  
6 deemed in the best interests of the Commonwealth, enter into  
7 such leases for a period of not more than 35 years.

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

10 (6) To counsel and advise in reference to the  
11 development of park lands by concessionaires with facilities  
12 and equipment for the accommodation and education of the  
13 public.

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

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

26 (ii) To have all the powers and prerogatives  
27 conferred by law upon members of the police force of  
28 cities of the first class.

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

1 (iv) To serve subpoenas issued for any examination,  
2 investigation or trial under any law of this  
3 Commonwealth.

4 (v) When authorized by the secretary or his  
5 designee, to exercise all of the foregoing powers on  
6 State forest lands or in other areas administered by the  
7 department.

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

18 (i) the City of Philadelphia or the parking  
19 authority agrees that the lands and interests and  
20 privileges therein shall be used by the city or parking  
21 authority, or any lessee or sublessee holding under  
22 either of them, pursuant to any lease or sublease granted  
23 by the city or parking authority as may be permitted by  
24 law, to promote the establishment of parking services and  
25 facilities, but portions of the street level or lower  
26 floors of the parking facilities may be leased for  
27 commercial use, including emergency automobile repair  
28 service and the sale by the lessee of any commodity of  
29 trade or commerce or any service except the sale of  
30 gasoline or automobile accessories; and



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

3 (A) will aid in promoting the public safety,  
4 convenience and welfare of the people of Philadelphia  
5 by aiding in the establishment of adequate parking  
6 services for the convenience of the public and  
7 otherwise promoting the public policy of the  
8 Commonwealth in authorization for the creation of  
9 parking authorities; and

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

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

23 (9) To make and execute contracts or leases in the name  
24 of the Commonwealth for the mining or removal of any oil or  
25 gas that may be found in a State park whenever it shall  
26 appear to the satisfaction of the department that it would be  
27 for the best interests of this Commonwealth to make such  
28 disposition of said oil and gas. Any proposed contracts or  
29 leases of oil and gas more than \$1,000 in value shall be  
30 advertised once a week for three weeks in at least two

1 newspapers published nearest the locality indicated in  
2 advance of awarding such contract or lease. Such contracts or  
3 leases may then be awarded to the highest and best bidder who  
4 shall give bond for the proper performance of the contract as  
5 the department shall designate.

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

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

24 (b) Administration of certain statutes.--The department  
25 shall hereafter exercise the powers and duties heretofore  
26 conferred upon those agencies and officials listed below under  
27 the following statutes:

28 The Snyder-Middleswarth Park Commission and the  
29 Department of Forests and Waters by the act of April 12, 1921  
30 (P.L.123, No.73), entitled "An act providing for the

1 establishment and the regulation of a State park, to be known  
2 as the Snyder-Middleswarth State Park."

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

18 The Department of Forests and Waters by the act of April  
19 14, 1927 (P.L.295, No.168), entitled "An act providing for  
20 the acquisition by the Department of Forests and Waters, in  
21 the name of the Commonwealth, of certain lands in Jefferson,  
22 Forest, and Clarion Counties, Pennsylvania, belonging to the  
23 A. Cook Sons Company, for use as a State Park and Forest  
24 Reservation; making an appropriation for said acquisition;  
25 providing for the management of said property by said  
26 department and defining the uses to which the property shall  
27 be put."

28 The Department of Forests and Waters and the Water and  
29 Power Resources Board by the act of May 2, 1929 (P.L.1530,  
30 No.456), referred to as the Pymatuning Swamp Reservoir

1 Project Law.

2 The Department of Forests and Waters by the act of June  
3 2, 1933 (P.L.1415, No.301), entitled "An act dedicating and  
4 setting aside certain lands in Cameron and Clinton Counties  
5 as a public park and pleasure-ground, to be known as  
6 "Bucktail State Park"; and imposing certain powers and duties  
7 in connection therewith upon the Department of Forests and  
8 Waters and the Department of Justice of the Commonwealth."

9 The Department of Forests and Waters and the Pennsylvania  
10 State Park and Harbor Commission of Erie by the act of July  
11 15, 1935 (P.L.1002, No.320), entitled "An act relating to the  
12 Pennsylvania State Park at Erie, authorizing the Department  
13 of Forests and Waters to revoke and terminate certain  
14 revocable grants and to acquire, by purchase or eminent  
15 domain, private property rights or interests in respect to  
16 any lands within said park."

17 The Department of Forests and Waters by the act of July  
18 1, 1937 (P.L.2651, No.516), entitled "An act dedicating and  
19 setting aside certain lands in Lackawanna County as a public  
20 park and pleasure-ground; and imposing certain powers and  
21 duties in connection therewith on the Department of Forests  
22 and Waters."

23 The Secretary of Forests and Waters, the Department of  
24 Forests and Waters and the State Parks Commission by the act  
25 of June 21, 1939 (P.L.621, No.290), entitled "An act  
26 authorizing the Secretary of Forests and Waters to utilize or  
27 transfer to the Department of Highways, canal properties or  
28 parts thereof acquired by the Department of Forests and  
29 Waters, and, in connection with such use, to sell waters from  
30 such canals."

1           The Secretary of Forests and Waters by the act of June  
2           21, 1939 (P.L.622, No.291), entitled "An act authorizing the  
3           Secretary of Forests and Waters, with approval of the  
4           Governor, to accept and acquire by gift, grant or other  
5           lawful means certain canal properties."

6           The Department of Forests and Waters by the act of August  
7           1, 1941 (P.L.609, No.257), entitled "An act providing for the  
8           acquisition by the Department of Forests and Waters, in the  
9           name of the Commonwealth, of certain lands in Luzerne,  
10          Sullivan and Wyoming Counties for use as a State Park; making  
11          an appropriation for said acquisition; providing for the  
12          management of said property by said department, and defining  
13          the uses to which the property shall be put."

14          The Department of Forests and Waters by the act of August  
15          12, 1963 (P.L.658, No.343), entitled "An act providing for  
16          the acquisition by the Department of Forests and Waters of  
17          the Kinzua Bridge and certain adjoining grounds for a State  
18          park, and making an appropriation."

19          The Department of Forests and Waters by the act of June  
20          22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70  
21          Land Acquisition and Borrowing Act.

22          The Department of Environmental Resources by the act of  
23          July 20, 1974 (P.L.543, No.187), entitled "An act authorizing  
24          the lease of Independence Mall State Park in the City of  
25          Philadelphia, Philadelphia County, to the Government of the  
26          United States of America for use as a National Park, and  
27          further authorizing the conveyance of said State Park to the  
28          United States of America for use as a National Park, and,  
29          with certain reservations, ceding jurisdiction over such  
30          lands."

1           The Department of Environmental Resources by 30 Pa.C.S. §  
2           902 (relating to enforcement of other laws).

3           Section 304. Facility development.

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

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

15          (c) Administration of certain statutes.--The department  
16          shall hereafter exercise the powers and duties heretofore  
17          conferred upon the agencies and officials listed below under the  
18          following statutes:

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

28                 The Department of Forests and Waters by the act of March  
29                 26, 1925 (P.L.84, No.53), entitled "An act authorizing the  
30                 Department of Forests and Waters to accept gifts, donations,

1 or contributions under certain circumstances; and providing  
2 for the use of such gifts."

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

8 The Department of Forests and Waters by the act of May  
9 22, 1945 (P.L.834, No.335), entitled "An act providing for  
10 the acceptance by the Commonwealth of a gift of lands from  
11 the United States of America, or any Federal agency, and  
12 placing such lands under the control and supervision of the  
13 Department of Forests and Waters."

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

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

27 The Department of Environmental Resources by the act of  
28 November 29, 1990 (P.L.600, No.151), entitled "An act  
29 amending Title 66 (Public Utilities) of the Pennsylvania  
30 Consolidated Statutes, providing an opportunity for

1 municipalities to purchase real property being disposed of by  
2 public utilities engaged in a railroad business."

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

6 Section 305. Ecological and geological services.

7 (a) Powers and duties enumerated.--The department shall have  
8 the power and its duty shall be with respect to the study and  
9 protection of the Commonwealth's ecological and geological  
10 resources:

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

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

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

29 (4) To collect copies of the surveys of this and other  
30 states and countries, and digest the information therein



1 contained, to the end that the survey hereby contemplated may  
2 be made as thorough, practical and convenient as possible.

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

7 (6) To avail itself as fully as possible of the  
8 information, maps and surveys possessed by citizens and  
9 corporations of this Commonwealth, relative to the geology  
10 and topography of this Commonwealth.

11 (7) To transmit all publications of the survey, or any  
12 part thereof, to the Department of General Services to be  
13 copyrighted by the Secretary of General Services in the name  
14 of the Commonwealth.

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

18 (9) To exercise the powers and duties vested in the  
19 Department of Environmental Resources by the act of June 23,  
20 1982 (P.L.597, No.170), known as the Wild Resource  
21 Conservation Act. Notwithstanding any provision in the act to  
22 the contrary, the department may use any funds appropriated  
23 to it to carry out the purposes of this section.

24 (10) To undertake, conduct and maintain the organization  
25 of a thorough and extended survey of this Commonwealth for  
26 the purpose of inventory, survey and elucidation of the  
27 ecological resources of this Commonwealth, to gather and  
28 digest information from sources within and outside this  
29 Commonwealth and to put the results of the survey into a form  
30 convenient for reference. The ecological survey should

1 identify the significant natural features of this  
2 Commonwealth and the species which comprise these features.

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

7 Section 306. Community recreation and heritage conservation.

8 (a) Powers and duties.--The department shall have the  
9 following powers and duties with respect to community recreation  
10 and heritage conservation:

11 (1) To administer Federal and State programs for grants  
12 and loans to local governments, municipal authorities and  
13 nonprofit organizations for community and regional projects  
14 involving the planning, acquisition, rehabilitation and  
15 development of public park, recreation and conservation  
16 areas, facilities and programs.

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

23 (3) To administer Federal and State heritage  
24 conservation programs, such as the Pennsylvania Heritage  
25 Parks Program and other programs that preserve, enhance and  
26 promote natural, recreational, cultural and scenic resources  
27 for heritage conservation, tourism and economic development.

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

1 (b) Agreements with other agencies.--The department has the  
2 powers and duties to coordinate and enter into agreements with  
3 Federal agencies, State agencies, local governments and  
4 nonprofit organizations to carry out the aforementioned powers  
5 and duties.

6 (c) Community affairs.--The department shall have the powers  
7 and duties previously vested in the Secretary of Community  
8 Affairs and the Department of Community Affairs by the following  
9 acts:

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

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

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

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

19 (d) Project 70.--The department shall have the powers and  
20 duties vested in the Department of Commerce by the act of June  
21 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land  
22 Acquisition and Borrowing Act, and transferred to the Department  
23 of Community Affairs by section 2501-C(h) of the act of April 9,  
24 1929 (P.L.177, No.175), known as The Administrative Code of  
25 1929.

26 Section 307. Rivers conservation.

27 (a) General rule.--The department shall have the power and  
28 duty to assist in the conservation, enhancement and restoration  
29 of the river resources of this Commonwealth and may make grants  
30 and provide technical assistance to local governments and

1 nonprofit organizations for river conservation projects.

2 (b) Scenic rivers.--

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

7 (2) The department shall have the powers and duties  
8 previously vested in the Department of Environmental  
9 Resources by the following acts:

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

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

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

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

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

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

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

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

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

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

30 The act of December 4, 1992 (P.L.767, No.118), known as

1 the Tulpehocken Creek and Yellow Breeches Creek Scenic River  
2 Act.

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

5 Section 308. Trails and greenways.

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

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

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

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

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

30 Section 309. Youth conservation programs.

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

5 (b) Federal funding.--The department shall have the power to  
6 establish and maintain conservation work experience programs  
7 authorized and funded under Federal law and to accept, use and  
8 grant funds made available by Federal agencies for such  
9 programs.

10 Section 310. Volunteers.

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

20 (b) Expenses.--The secretary is authorized to provide for  
21 incidental expenses, such as transportation, uniforms, lodging  
22 and subsistence.

23 (c) Status of volunteers.--

24 (1) Except as otherwise provided in this section, a  
25 volunteer shall not be deemed to be a Commonwealth employee  
26 and shall not be subject to the provisions of law relating to  
27 Commonwealth employment, including those relating to hours of  
28 work, rates of compensation, leave, unemployment compensation  
29 and Commonwealth employee benefits.

30 (2) Volunteers performing work under the terms of this

1 act shall be authorized to operate Commonwealth vehicles and  
2 shall be treated for the purposes of automotive and general  
3 liability as employees of the Commonwealth.

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

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

11 (d) Natural Resource Volunteer Program.--The department  
12 shall have the power and authority to do all things necessary  
13 and expedient to establish and operate a Natural Resource  
14 Volunteer Program and to promulgate rules and regulations under  
15 this section.

16 Section 311. Environmental education.

17 The department shall establish a program to provide and  
18 promote environmental education related to the conservation,  
19 utilization and preservation of the natural resources of this  
20 Commonwealth. For these purposes, the department may use funds  
21 provided by the Department of Environmental Protection pursuant  
22 to the act of June 22, 1993 (P.L.105, No.24), known as the  
23 Environmental Education Act, and any other available funds. The  
24 amount of funds provided by the Department of Environmental  
25 Protection shall not be less than 25% of the annual receipts of  
26 the Environmental Education Fund and may be used for the purpose  
27 stated in this section notwithstanding any limitations in the  
28 Environmental Education Act.

29 Section 312. Whitewater recreation.

30 (a) General rule.--The department shall have the power and

1 duty to promulgate rules and regulations to protect, manage and  
2 regulate the recreational use of designated whitewater zones, to  
3 license whitewater outfitters operating within designated  
4 whitewater zones and to establish fees, royalties and charges  
5 for licenses and for using public lands, waters and facilities.

6 (b) License guidelines.--For each specific designated  
7 whitewater zone, a license to continue operating as a whitewater  
8 rafting outfitter shall be issued by the department to any  
9 whitewater rafting outfitter who:

10 (1) has provided whitewater rafting services on a  
11 designated whitewater zone for a period of five or more  
12 years;

13 (2) has provided those services under formal agreement  
14 with the department;

15 (3) has demonstrated an acceptable measure of compliance  
16 with the safety and operational requirements of that  
17 agreement; and

18 (4) has provided whitewater rafting services on that  
19 designated whitewater zone prior to operation and management  
20 of that designated whitewater zone through formal agreement  
21 with the department.

22 Each whitewater rafting outfitter presently conducting  
23 whitewater rafting trips under agreement with the Department of  
24 Environmental Resources shall be deemed to fulfill the foregoing  
25 criteria.

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

28 (1) shall be for a period of ten years and shall be  
29 renewable under guidelines appropriate and necessary to  
30 protect the public health, safety and interest and provide



1 stability to the outfitting industry;

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

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

10 (4) shall supersede, after the adoption of regulations,  
11 any agreement between the department and a whitewater rafting  
12 outfitter, except fee agreements in which a whitewater  
13 rafting outfitter is required to pay the department a fee,  
14 which fee agreements shall continue for the life of the  
15 agreement and which shall not preclude the issuance of a  
16 license.

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

27 (e) Operation and safety of whitewater zone.--Licensed  
28 whitewater rafting outfitters shall be subject to all  
29 appropriate rules, regulations and guidelines promulgated by the  
30 department for the purposes of regulating the operation and

1 safety of each designated whitewater zone.

2 (f) Termination.--Licenses granted by the department may be  
3 terminated by the department for noncompliance after a 30-day  
4 written notice to the outfitter and a hearing in accordance with  
5 2 Pa.C.S. (relating to administrative law and procedure).  
6 Section 313. Rulemaking authority.

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

14 (b) State parks.--Rules and regulations with respect to  
15 State parks shall be compatible with the purposes for which  
16 State parks are created.

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

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

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

30 (f) Powers of Environmental Quality Board.--The department

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

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

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

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

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

21 (i) Law applicable.--The department shall promulgate its  
22 rules and regulations subject to the act of July 31, 1968  
23 (P.L.769, No.240), referred to as the Commonwealth Documents  
24 Law, the act of October 15, 1980 (P.L.950, No.164), known as the  
25 Commonwealth Attorneys Act, and the act of June 25, 1982  
26 (P.L.633, No.181), known as the Regulatory Review Act, except  
27 for the establishment of fees and charges under section 314.  
28 Section 314. Fees and charges.

29 Whenever the department imposes fees or charges for  
30 activities, admissions, uses or privileges, including charges

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

16 Section 315. Conservation and Natural Resources Advisory  
17 Council.

18 (a) Composition.--The Conservation and Natural Resources  
19 Advisory Council shall consist of the Secretary of Conservation  
20 and Natural Resources, six members who shall be appointed by the  
21 Governor, no more than three of whom shall be of the same  
22 political party, six members who shall be appointed by the  
23 President pro tempore of the Senate, no more than three of whom  
24 shall be of the same political party and six members who shall  
25 be appointed by the Speaker of the House of Representatives, no  
26 more than three of whom shall be of the same political party.  
27 The appointed members of the council shall be citizens of this  
28 Commonwealth, who, during their respective terms, shall hold no  
29 other Commonwealth office to which any salary is attached. The  
30 council shall include persons knowledgeable in fields related to

1 the work of the department.

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

10 (c) Officers and meetings.--The council shall annually elect  
11 one of its appointed members as chairman and shall elect a  
12 secretary who need not be a member of the council. Meetings of  
13 the council shall be held at least quarterly or at the call of  
14 the chairman.

15 (d) Powers and duties.--

16 (1) The council shall review all conservation and  
17 natural resource laws of the Commonwealth and make  
18 appropriate suggestions for the revision, modification and  
19 codification thereof.

20 (2) The council shall consider, study and review the  
21 work of the department and for this purpose the council shall  
22 have access to all books, papers, documents and records  
23 pertaining or belonging to the department.

24 (3) The council shall advise the department, on request,  
25 and shall make recommendations upon its initiative for the  
26 improvement of the work of the department.

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

30 (5) The council shall have power to employ and fix the

1 compensation of such experts, stenographers and assistants as  
2 may be deemed necessary to carry out the work of the council,  
3 but due diligence shall be exercised by the council to enlist  
4 such voluntary organizations and other agencies in  
5 Pennsylvania or elsewhere, generally recognized as qualified  
6 to aid the council.

7 Section 316. Advisory committees.

8 (a) Creation.--The department is authorized to create  
9 advisory committees to help develop or discuss proposed  
10 regulation, final regulation or policy guidance and to provide  
11 continuing advice on implementing programs administered by the  
12 department.

13 (b) Organization.--Membership on an advisory committee shall  
14 be balanced and shall be representative of the interests  
15 affected by the particular regulation, policy, issue or program  
16 assigned to the committee.

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

19 (d) Chairperson.--A chairperson shall be chosen by a  
20 majority vote of the advisory committee members present at a  
21 regularly scheduled meeting. A person employed by the department  
22 shall not chair an advisory committee.

23 (e) Expenses.--Members of an advisory committee may be  
24 reimbursed for their travel expenses to attend committee  
25 meetings as authorized by the Executive Board. Employees of the  
26 Commonwealth who serve as members of an advisory committee shall  
27 only be entitled to the compensation and expenses they receive  
28 as public employees.

29 (f) Support.--The department shall provide the appropriate  
30 administrative and technical support needed by an advisory

1 committee in order to accomplish its objectives.

2 Section 317. Ex officio memberships of secretary.

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

5 (1) The Boating Advisory Board.

6 (2) The Board of Trustees of The Pennsylvania State  
7 University.

8 (3) The Hardwoods Development Council.

9 (4) The Wild Resource Conservation Board.

10 Section 318. Contracts and agreements.

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

17 (b) State System of Higher Education.--The department may  
18 enter into agreements for studies and services with State-  
19 related institutions and institutions which are part of the  
20 State System of Higher Education without the need for  
21 competitive procurement.

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

27 Section 319. Transfer of funds.

28 (a) Transfer from Department of Environmental Resources.--  
29 The administration of the following funds or portions of funds,  
30 as may be administered by the Department of Environmental

1 Resources, shall be transferred from the Department of  
2 Environmental Resources to the department:

- 3 (1) State Parks User Fees Restricted Receipts Account.
- 4 (2) Forestry Stumpage Sales Restricted Receipts Account.
- 5 (3) Quehanna Fund - Act 275 Restricted Revenue Account.
- 6 (4) Snowmobile/ATV Program Restricted Revenue Account.
- 7 (5) Quehanna Fund - Act 55 Restricted Revenue Account.
- 8 (6) Purchase of State Forest Land Restricted Revenue  
9 Account.
- 10 (7) Keystone Recreation, Park and Conservation Fund.
- 11 (8) Land and Water Development Fund (Public Outdoor  
12 Recreation Areas appropriation only).
- 13 (9) Motor License Fund.
- 14 (10) Oil and Gas Lease Fund.
- 15 (11) Wild Resource Conservation Fund.

16 (b) Transfer from Department of Community Affairs.--The  
17 administration of the following funds or portions of funds shall  
18 be transferred from the Department of Community Affairs to the  
19 department:

- 20 (1) Keystone Recreation, Park and Conservation Fund.
- 21 (2) Pennsylvania Heritage Parks Program appropriations  
22 from the General Fund.

23 (c) State forests.--A minimum of 10% of the previous fiscal  
24 year's receipts of the Forestry Stumpage Sales Restricted  
25 Receipts Account shall be transferred to a separate Forest  
26 Regeneration Restricted Revenue Account and is hereby  
27 appropriated to the department, in addition to the funds  
28 necessary for the operation, maintenance and administration of  
29 the state forest system, to expend on forest regeneration  
30 activities, including, but not limited to, erecting deer fences,



1 planting trees and treating forests with herbicides. Any balance  
2 in the Forest Regeneration Restricted Revenue Account in excess  
3 of 5% of the previous year's receipts at the end of the fiscal  
4 year shall be returned to the Forestry Stumpage Sales Restricted  
5 Receipts Account.

6 Section 320. Renumbering regulations.

7 The department shall deposit a notice with the Legislative  
8 Reference Bureau renumbering the following regulations and  
9 statements of policy to the appropriate title of the  
10 Pennsylvania Code and making at that time needed editorial  
11 changes to reflect the transfers of powers and duties under this  
12 act:

13 16 Pa. Code Ch. 5 Subch. E (relating to land and water  
14 conservation fund-statement of policy)

15 25 Pa. Code Ch. 11 Subch. A (relating to scenic rivers)

16 25 Pa. Code Ch. 11 Subch. B (relating to natural areas  
17 and wild areas)

18 25 Pa. Code Ch. 11 Subch. C (relating to campsites)

19 25 Pa. Code Ch. 17 (relating to transfer or exchange of  
20 State park land-statement of policy)

21 25 Pa. Code Ch. 18 (relating to transfer or exchange of  
22 State forest land-statement of policy)

23 25 Pa. Code Ch. 31 (relating to general provisions)

24 25 Pa. Code Ch. 51 (relating to general provisions)

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

27 25 Pa. Code Ch. 81 (relating to prevention of railroad-  
28 caused forest fires)

29 25 Pa. Code Ch. 82 (relating to conservation of  
30 Pennsylvania native wild plants)

1           25 Pa. Code Ch. 195 (relating to snowmobile and all-  
2           terrain vehicle registration and operation)

3 Section 321. Transfer provisions.

4           (a) Transfer enumerated.--The following are transferred to  
5 the department:

6           (1) All bureaus, organizations and divisions in the  
7 Department of Environmental Resources responsible for the  
8 functions enumerated in this act.

9           (2) The Bureau of Recreation and Conservation in the  
10 Department of Community Affairs.

11           (3) All personnel, allocations, appropriations,  
12 equipment, files, records, contracts, agreements, obligations  
13 and other materials which are used, employed or expended by  
14 the Department of Environmental Resources in connection with  
15 the functions transferred by this act to the Department of  
16 Conservation and Natural Resources in the first instance and  
17 as if these contracts, agreements and obligations had been  
18 incurred or entered into by the Department of Conservation  
19 and Natural Resources.

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

29           (b) Apportionment.--The personnel, appropriations, equipment  
30 and other items and material transferred by this section shall

1 include an appropriate portion of the general administrative,  
2 overhead and supporting personnel, appropriations, equipment and  
3 other material of the agency and shall also include, where  
4 applicable, Federal grants and funds and other benefits from any  
5 Federal program.

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

9 Section 322. Civil service status.

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

15 CHAPTER 5

16 RENAMING DEPARTMENT OF ENVIRONMENTAL RESOURCES

17 AND DEFINING RULEMAKING AUTHORITY OF

18 DEPARTMENT OF ENVIRONMENTAL PROTECTION

19 Section 501. Department of Environmental Protection.

20 The Department of Environmental Resources is renamed the  
21 Department of Environmental Protection.

22 Section 502. Rulemaking authority.

23 (a) Continuance.--The Environmental Quality Board shall  
24 continue to exercise any power to formulate, adopt and  
25 promulgate rules and regulations currently vested in the  
26 Environmental Quality Board set forth in section 1920-A of the  
27 act of April 9, 1929 (P.L.177, No.175), known as The  
28 Administrative Code of 1929, except that the Department of  
29 Conservation and Natural Resources shall be vested with the  
30 power and the duty to promulgate regulations imposed upon the

1 Department of Forests and Waters, the Secretary of Forests and  
2 Waters, the Pennsylvania State Park and Harbor Commission of  
3 Erie and the State Forest Commission.

4 (b) Existing rules.--Any rules and regulations provided for  
5 in subsection (a) promulgated prior to the effective date of  
6 this act shall continue to be the rules and regulations of the  
7 Environmental Quality Board until such time as they are modified  
8 or repealed by that board.

9 (c) Environmental Quality Board.--The Environmental Quality  
10 Board shall have the powers and duties currently vested in the  
11 Environmental Quality Board, except as vested in the Department  
12 of Conservation and Natural Resources by this act, which powers  
13 and duties are more specifically set forth, but not limited by,  
14 the following:

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

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

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

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

23 The act of January 8, 1960 (1959 P.L.2119, No.787), known  
24 as the Air Pollution Control Act, ~~except section 7.5.~~ ←

25 Sections 2, 7.2, 8 and 9 of the act of January 24, 1966  
26 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage  
27 Facilities Act.

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

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

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

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

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

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

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

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

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

22          Sections 104, 105(a), (b), (c), (e) and (j), 402, 506 and  
23          610 of the act of July 7, 1980 (P.L.380, No.97), known as the  
24          Solid Waste Management Act.

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

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

29          Sections 11, 24 and 25 of the act of December 19, 1984  
30          (P.L.1093, No.219), known as the Noncoal Surface Mining

1 Conservation and Reclamation Act.

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

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

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

10 Section 4(b) of the act of July 13, 1988 (P.L.525,  
11 No.93), referred to as the Infectious and Chemotherapeutic  
12 Waste Law.

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

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

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

21 Sections 105, 106, 505, 701 and 1102 of the act of July  
22 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill  
23 Prevention Act.

24 Sections 7 and 9 of the act of July 6, 1989 (P.L.207,  
25 No.33), known as the Plumbing System Lead Ban and  
26 Notification Act.

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

29 75 Pa.C.S. § 4909 (relating to transporting foodstuffs in  
30 vehicles used to transport waste).

1 (d) Rules and regulations.--The Environmental Quality Board  
2 shall, in the manner provided by law, promulgate the rules and  
3 regulations necessary to carry out this chapter.

4 (e) Environmental Quality Board.--Rulemakings of the  
5 Environmental Quality Board that have not been printed in the  
6 Pennsylvania Bulletin as final regulations on the effective date  
7 of this act shall continue to be rulemakings of the  
8 Environmental Quality Board and shall not be required to meet  
9 the requirements of the act of July 31, 1968 (P.L.769, No.240),  
10 referred to as the Commonwealth Documents Law, the act of  
11 October 15, 1980 (P.L.950, No.164), known as the Commonwealth  
12 Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181),  
13 known as the Regulatory Review Act, which were met prior to the  
14 effective date of this act.

15 Section 503. Continued authority of Department of Environmental  
16 Protection, State Conservation Commission and  
17 Department of Agriculture.

18 (a) Powers and duties.--The Department of Environmental  
19 Protection shall continue to exercise the same powers and  
20 perform the same duties and functions by law vested in and  
21 imposed upon the Department of Environmental Resources not  
22 otherwise amended or transferred by this act to the Department  
23 of Conservation and Natural Resources.

24 (b) Administrative officers.--All appointive administrative  
25 officers holding office in the Department of Environmental  
26 Resources when this act becomes effective shall continue in  
27 office in the Department of Environmental Protection until the  
28 term for which they were respectively appointed shall expire or  
29 until they shall die, resign or be removed from office.

30 (c) Sand and gravel permits.--Section 1808(d) of the act of

1 April 9, 1929 (P.L.177, No.175), known as The Administrative  
2 Code of 1929, is saved from repeal and the Department of  
3 Environmental Protection and Pennsylvania Fish and Boat  
4 Commission shall continue to exercise the rights, powers and  
5 duties thereof, provided that the Pennsylvania Fish and Boat  
6 Commission may, by regulation, with the concurrence of the  
7 Department of Environmental Protection, adjust the amount of the  
8 royalty payments per ton or cubic foot of usable and/or  
9 merchantable sand and/or gravel.

10 (d) State Conservation Commission.--The State Conservation  
11 Commission established under the act of May 15, 1945 (P.L.547,  
12 No.217), known as the Conservation District Law, shall continue  
13 to have all the powers and duties assigned under that act and  
14 all the powers and duties assigned under the act of May 20, 1993  
15 (P.L.12, No.6), known as the Nutrient Management Act, except as  
16 modified below. The following provisions are intended to modify  
17 the authority and responsibilities of the State Conservation  
18 Commission and the Department of Environmental Protection and  
19 the Department of Agriculture:

20 (1) The chairmanship of the State Conservation  
21 Commission shall rotate on an annual basis between the  
22 Secretary of Agriculture and the Secretary of Environmental  
23 Protection with the Secretary of Agriculture chairing the  
24 State Conservation Commission for the first annual rotation  
25 beginning July 1, 1995.

26 (2) The State Conservation Commission by a majority vote  
27 shall select and employ an independent executive secretary to  
28 act as staff to the State Conservation Commission who is not  
29 supervised by either the Department of Environmental  
30 Protection or the Department of Agriculture. The State



1 Conservation Commission is authorized to assign the executive  
2 secretary duties and responsibilities as required to fulfill  
3 its obligations under State law to develop, implement and  
4 enforce conservation programs, including the Nutrient  
5 Management Act.

6 (3) To enhance the ability of the State Conservation  
7 Commission to accomplish its obligations, the Secretary of  
8 Agriculture shall designate an office and staff within that  
9 agency to coordinate and assist in the development,  
10 implementation and enforcement of programs adopted by the  
11 State Conservation Commission that solely affect production  
12 agriculture. The office and staff designated by the Secretary  
13 of Agriculture shall be an advocate for production  
14 agriculture in the development of programs by the State  
15 Conservation Commission, assist in developing methods of  
16 managing excess manure in an environmentally sound manner,  
17 develop programs to assist those engaged in production  
18 agriculture to comply with the Nutrient Management Act and  
19 act as an ombudsman to help resolve issues related to county  
20 conservation district implementation of State Conservation  
21 Commission programs solely affecting production agriculture.

22 (4) The Secretary of Environmental Protection shall  
23 designate an office and staff within the agency to coordinate  
24 and assist in the development, implementation and enforcement  
25 of programs adopted by the State Conservation Commission  
26 which are intended, in whole or in part, to protect surface  
27 or ground water.

28 (5) The State Conservation Commission shall be  
29 responsible for taking enforcement actions under the Nutrient  
30 Management Act. In the exercise of its enforcement authority,

1 the State Conservation Commission shall be assisted by the  
2 staff of the Department of Environmental Protection for  
3 actions resulting in violations of the act of June 22, 1937  
4 (P.L.1987, No.394), known as The Clean Streams Law, and shall  
5 be assisted by the Department of Agriculture for all other  
6 violations.

7 Section 504. Energy programs.

8 (a) Building Energy Conservation Act.--The Department of  
9 Environmental Protection has the powers and duties previously  
10 vested in the Governor's Energy Council by the act of December  
11 15, 1980 (P.L.1203, No.222), known as the Building Energy  
12 Conservation Act.

13 (b) Energy Conservation and Assistance Act.--The Department  
14 of Environmental Protection has the powers and duties previously  
15 vested in the Governor's Energy Council by the act of July 10,  
16 1986 (P.L.1398, No.122), known as the Energy Conservation and  
17 Assistance Act.

18 (c) Alternative fuels.--The Department of Environmental  
19 Protection has the powers and duties previously vested in the  
20 Pennsylvania Energy Office by 75 Pa.C.S. Ch. 72 (relating to  
21 alternative fuels).

22 (d) Other powers and duties transferred.--Any reference to  
23 the Pennsylvania Energy Office in any other act shall be  
24 interpreted to mean the Department of Environmental Protection,  
25 and any such powers and duties in such acts and other functions  
26 currently performed or administered by the Pennsylvania Energy  
27 Office are hereby transferred to the Department of Environmental  
28 Protection.

29 Section 505. Department of Health ~~and Human Services~~. <—

30 Notwithstanding any other provisions of this act, the

1 Department of Health ~~and Human Services~~ shall exercise the  
2 powers and duties and perform the duties by law heretofore  
3 vested in and imposed upon the Department of Environmental  
4 Resources as follows:

5 (1) The control of nuisances from grounds, vehicles,  
6 apartments, buildings and places within this Commonwealth, to  
7 the sanitary condition of tenements, lodging and boarding  
8 houses, to management of the sanitary affairs of this  
9 Commonwealth, the issuance of waterworks permits and to the  
10 control of water pollution.

11 (2) The act of November 10, 1959 (P.L.1400, No.497),  
12 entitled "An act providing for the annual registration of  
13 organized camps for children, youth and adults; defining the  
14 duties of the Department of Health of the Commonwealth of  
15 Pennsylvania; and prescribing penalties."

16 (3) The act of June 23, 1931 (P.L.899, No.299), known as  
17 the Public Bathing Law. As to the Public Bathing Law, the  
18 Department of Health shall have the authority to promulgate  
19 rules and regulations to protect the public health and safety  
20 at all public places.

21 Section 506. Department of Agriculture.

22 Notwithstanding any other provisions of this act, the  
23 Department of Agriculture shall exercise the powers and duties  
24 and perform the duties by law heretofore vested in and imposed  
25 upon the Department of Environmental Resources under the act of  
26 June 23, 1978 (P.L.537, No.93), known as the Seasonal Farm Labor  
27 Act.

28 Section 507. Transfer of funds.

29 The administration of the following funds or portions of  
30 funds, as may be administered by the Pennsylvania Energy Office,

1 shall be transferred from the Pennsylvania Energy Office to the  
2 Department of Environmental Protection:

3 (1) Energy Conservation and Assistance Fund.

4 (2) Alternative Fuels Incentive Grant Fund.

5 (3) All other funds or portions of funds currently  
6 administered by the Pennsylvania Energy Office.

7 Section 508. Regulations.

8 Any regulations, guidelines or statements of policy issued by  
9 the Pennsylvania Energy Office for the functions transferred to  
10 the Department of Environmental Protection shall remain in  
11 effect until such time as the Department of Environmental  
12 Protection shall determine the need to amend such regulations,  
13 guidelines or statements of policy.

14 Section 509. Transfer of personnel.

15 (a) General rule.--Certain personnel, allocations,  
16 appropriations, fixed assets, equipment, files, records,  
17 contracts, agreements, obligations and all other materials and  
18 supplies which are used, employed or expended by the  
19 Pennsylvania Energy Office in connection with the functions  
20 transferred by this act to the Department of Environmental  
21 Protection in the first instance shall be transferred from the  
22 Pennsylvania Energy Office to the Department of Environmental  
23 Protection, and shall be considered as if these contracts,  
24 agreements and obligations had been incurred or entered into by  
25 the Department of Environmental Protection.

26 (b) Federal programs.--The items transferred by this section  
27 shall include, where applicable, Federal grants and funds and  
28 other benefits from any Federal program.

29 (c) Civil Service status.--All personnel transferred under  
30 this act shall retain any civil service employment status

1 assigned to said personnel.

2

CHAPTER 11

3

GENERAL PROVISIONS

4 Section 1101. Savings provision.

5 (a) Matters transferred to Department of Conservation and  
6 Natural Resources.--All orders, permits, regulations, decisions  
7 and other actions of the Department of Environmental Resources  
8 related to the functions transferred to the Department of  
9 Conservation and Natural Resources shall remain in full force  
10 and effect until modified, repealed, suspended, superseded or  
11 otherwise changed by appropriate action of the Department of  
12 Conservation and Natural Resources.

13 (b) Matters remaining with Department of Environmental  
14 Protection.--All other orders, permits, regulations, decisions  
15 and other actions of the Department of Environmental Resources  
16 shall remain in full force and effect until modified, repealed,  
17 suspended, superseded or otherwise changed by appropriate action  
18 of the Department of Environmental Protection.

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

22 Section 1102. Repeals.

23 (a) Absolute.--The following acts and parts of acts are  
24 repealed:

25 Sections 1902-A, 1903-A, 1906-A, 1907-A, 1908-A(2), 1910-A,  
26 1911-A, 1912-A, 1913-A, 1914-A, 1924-A and 1926-A of the act of  
27 April 9, 1929 (P.L.177, No.175), known as The Administrative  
28 Code of 1929.

29 The act of December 17, 1981 (P.L.472, No.136), entitled "An  
30 act authorizing the Secretary of Environmental Resources to

1 establish a Volunteers in State Parks and Forests Program and  
2 for other purposes."

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

5 Section 1103. Effective date.

6 This act shall take effect July 1, 1995.