

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 691 Session of 2023

INTRODUCED BY YAW, DUSH AND ARGALL, MAY 5, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 5, 2023

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An  
2 act creating the Department of Conservation and Natural  
3 Resources consisting of certain functions of the Department  
4 of Environmental Resources and the Department of Community  
5 Affairs; renaming the Department of Environmental Resources  
6 as the Department of Environmental Protection; defining the  
7 role of the Environmental Quality Board in the Department of  
8 Environmental Protection; making changes to responsibilities  
9 of the State Conservation Commission and the Department of  
10 Agriculture; transferring certain powers and duties to the  
11 Department of Health; and repealing inconsistent acts," in  
12 renaming Department of Environmental Resources and defining  
13 rulemaking authority of Department of Environmental  
14 Protection, repealing provisions relating to Department of  
15 Environmental Protection and providing for Department of  
16 Environmental Services; and making editorial changes.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Chapter 5 heading of the act of June 28, 1995  
20 (P.L.89, No.18), known as the Conservation and Natural Resources  
21 Act, is amended to read:

22 CHAPTER 5

23 [RENAMING DEPARTMENT OF ENVIRONMENTAL RESOURCES

24 AND DEFINING RULEMAKING AUTHORITY OF

25 DEPARTMENT OF ENVIRONMENTAL PROTECTION]

1 DEPARTMENT OF ENVIRONMENTAL SERVICES

2 Section 2. Section 501 of the act is repealed:

3 [Section 501. Department of Environmental Protection.]

4 The Department of Environmental Resources is renamed the  
5 Department of Environmental Protection.]

6 Section 3. The act is amended by adding a section to read:

7 Section 501.1. Department of Environmental Services.

8 The Department of Environmental Protection is renamed the  
9 Department of Environmental Services.

10 Section 4. Sections 503, 504, 507, 508 and 509(a) of the act  
11 are amended to read:

12 Section 503. Continued authority of Department of Environmental  
13 [Protection] Services, State Conservation Commission  
14 and Department of Agriculture.

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

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

28 (c) Sand and gravel permits.--Section 1808(d) of the act of  
29 April 9, 1929 (P.L.177, No.175), known as The Administrative  
30 Code of 1929, is saved from repeal and the Department of

1 Environmental [Protection] Services and Pennsylvania Fish and  
2 Boat Commission shall continue to exercise the rights, powers  
3 and duties thereof, provided that the Pennsylvania Fish and Boat  
4 Commission may, by regulation, with the concurrence of the  
5 Department of Environmental [Protection] Services, adjust the  
6 amount of the royalty payments per ton or cubic foot of usable  
7 and/or merchantable sand and/or gravel.

8 Section 504. Energy programs.

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

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

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

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

30 Section 507. Transfer of funds.

1 The administration of the following funds or portions of  
2 funds, as may be administered by the Pennsylvania Energy Office,  
3 shall be transferred from the Pennsylvania Energy Office to the  
4 Department of Environmental [Protection] Services:

5 (1) Energy Conservation and Assistance Fund.

6 (2) Alternative Fuels Incentive Grant Fund.

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

9 Section 508. Regulations.

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

16 Section 509. Transfer of personnel.

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

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30 Section 5. This act shall take effect in 60 days.