

Section 18. Repealer.—(a) Sections 624, 625 and 632, act of May 17, 1921 (P. L. 789), known as “The Insurance Department Act of one thousand nine hundred and twenty-one,” are hereby repealed. All other acts or parts thereof inconsistent with the provisions of this act are hereby repealed.

(b) The act of July 6, 1917 (P. L. 723), entitled “An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties,” is repealed except in so far as it relates to life insurance and annuities.

Section 19. Effective Date.—This act shall take effect March 1, 1966.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

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No. 532

AN ACT

HB 1456

Amending the act of January 8, 1960 (P. L. 2119), entitled “An act to provide for the better protection of the health, general welfare and property of the people of the Commonwealth by the control, abatement, reduction and prevention of the pollution of the air by smokes, dusts, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof; creating within the Department of Health an Air Pollution Commission and defining its powers; authorizing the Department of Health to enforce rules and regulations of the Commission as provided in this act; establishing Regional Air Pollution Control Associations and defining their powers; reserving powers to local political subdivisions, and defining the relationship between this act and the ordinances, resolutions and regulations of counties, cities, boroughs, towns and townships; imposing penalties for violation of this act; and providing for the power to enjoin violations of this act; and conferring upon persons aggrieved certain rights and remedies; and providing an appropriation therefor,” redefining unlawful acts and changing some requirements for public hearings; and further providing for powers reserved to the Department of Health under existing laws and for the applicability of the act to political subdivisions.

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

Section 1. Subsection (a) of section 7 and sections 8, 11 and 12, act of January 8, 1960 ¹(1959 P. L. 2119), known as the “Air Pollution Control Act,” are amended to read:

Section 7. Public Hearings.—(a) Public hearings shall be held by

¹ “1959” not in original.

the Commission or by the department, acting on behalf and at the direction or request of the Commission, in any region of the Commonwealth affected before any rules or regulations with regard to the control, abatement, prevention or reduction of air pollution are adopted for that region or subregion. When it becomes necessary to adopt rules and regulations for the control, abatement, prevention or reduction of air pollution for more than one region of the Commonwealth, the Commission may hold one hearing for any two contiguous regions to be affected by such rules and regulations. Such hearing may be held in either of the two contiguous regions. In the case where it becomes necessary to adopt rules and regulations for the control, abatement, prevention or reduction of air pollution for any area of the Commonwealth which encompasses more than one region or parts of more than one region, public hearings shall be held in the area concerned. Full stenographic transcripts shall be taken of all public hearings and shall be made available by the department to any party concerned with the subject matter of the hearing upon the payment of prevailing rates for such transcripts.

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Section 8. Unlawful Conduct.—It shall be unlawful to refuse to comply with any rule or regulation or to fail to comply with any order of the Commission, or to assist in the violation of any of the provisions of this act or rules and regulations adopted hereunder, or to in any manner hinder, obstruct, delay, resist, prevent or in any way interfere or attempt to interfere with the department or its personnel in the performance of any duty hereunder, or refuse to permit such personnel to perform their duty by refusing them, after proper identification or presentation of a written order of the department, entrance at reasonable hours to any premises.

Section 11. Powers Reserved to the Department Under Existing Laws.—Nothing in this act shall limit [the powers conferred upon the department to control and abate nuisances detrimental to the public health as are provided in section 2101 of The Administrative Code of 1929, the act of April 9, 1929 (P. L. 177), as amended.] in any way whatever the powers conferred upon the department under laws other than this act, it being expressly provided that all such powers are preserved to the department and may be freely exercised by it, except where such exercise is in clear and direct conflict with a rule, regulation or

order of the commission. Subject to such exception, the department shall have the right upon approval of the Attorney General, to petition a court of competent jurisdiction to order the abatement of any nuisance or condition detrimental to health. For that purpose no court exercising general equitable jurisdiction shall be deprived of such jurisdiction even though such nuisance or condition detrimental to health is subject to regulation or other action by the commission under this act.

Section 12. Powers Reserved to Political Subdivisions.—Nothing in this act shall prevent counties, cities, towns, townships or boroughs from enacting ordinances with respect to air pollution which will not conflict with the provisions of this act or the rules and regulations promulgated pursuant to its provisions. This act shall not be construed to repeal existing ordinances, resolutions or regulations of the aforementioned political subdivisions existing at the time of the effective date of this act, except as they may conflict with the provisions of this act.

[The provisions of this act shall not apply to any city or county which has an air pollution control agency, except in the case in which a source or suspected source of air pollution exists in such city or county the effects of which extend beyond the boundaries of the city or county concerned. Notwithstanding any other provision of this act (including the provisions of section 2 of this act) nothing in this act shall limit the powers conferred under existing laws upon counties of the first and second class to enact and enforce through the county health department or otherwise, ordinances or rules and regulations controlling and regulating air pollution or the emission of smoke.] The procedures for the abatement, reduction, prevention and control of air pollution set forth in this act shall not apply to any political subdivision of the Commonwealth which has an approved air pollution control agency, except in the case in which a source or suspected source of air pollution exists in such political subdivision the effects of which extend beyond the boundaries of the political subdivision concerned. In order to insure effective coordination and cooperation, such air pollution control agencies and programs shall be subjected to the approval of the commission.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON