

No. 1982-111

AN ACT

HB 1943

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," empowering the Executive Board to set the salaries of the chairman and members of the Environmental Hearing Board, prohibiting conflicts of interest by certain employes of the Department of Environmental Resources, imposing a penalty and making a repeal.

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

Section 1. Section 709, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is amended by adding a clause to read:

Section 709. Executive Board.—Subject to the provisions of this act, the Executive Board shall have the power:

* * *

(m) In addition to those powers otherwise provided by law, to determine the salaries of the chairman and the other members of the Environmental Hearing Board which salaries shall not exceed \$37,500 for the chairman and \$35,000 for the other members.

Section 2. Section 1928-A of the act, added October 10, 1980 (P.L.805, No.153), is amended to read:

Section 1928-A. Conflict of Interest in Mining *and Oil and Gas Regulation*.—(a) No employe of the Department of Environmental Resources performing any function or duty within the scope of activities covered by the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87 (95th Congress) shall have a direct or indirect financial interest in any underground or surface coal mining operation as defined by this act. Whoever knowingly violates the provisions of this [section] *subsection* shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this

[section] subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this **[section] subsection**.

(b) No employe of the Department of Environmental Resources performing the function or duty of an oil or gas inspector shall act as a manager, employe or agent of any oil or gas drilling operation or of any mine or mining operation, nor shall he or she be interested in any pecuniary way in such operations in this Commonwealth. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection.

Section 3. (a) The following part of the following act is repealed insofar as it is inconsistent herewith:

As much as relates to the Environmental Hearing Board of section 1, act of September 2, 1961 (P.L.1177, No.525), entitled "An act fixing the salaries and compensation of members of certain boards and commissions, and repealing inconsistent acts."

(b) The act of December 21, 1959 (P.L.1967, No.722), entitled "An act providing for creation of an Oil and Gas Inspectors Examining Board in the Department of Mines and Mineral Industries; conferring powers and imposing duties on the board and conferring powers and imposing duties in connection therewith upon the Governor; providing for the qualifications, examination, appointment, term of office, removal and salaries of Oil and Gas Inspectors; and providing penalties," is repealed.

Section 4. This act shall take effect immediately, except section 2 shall take effect in 60 days.

APPROVED—The 7th day of May, A. D. 1982.

DICK THORNBURGH