

No. 1980-153

AN ACT

SB 988

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," further providing for the Environmental Quality Board; prohibiting certain financial interests by employes of the Department of Environmental Resources and imposing a penalty.

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

Section 1. Section 1920-A, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is amended by adding subsections to read:

Section 1920-A. Environmental Quality Board.—* * *

(h) Any person may petition the Environmental Quality Board to initiate a rule making proceeding for the issuance, amendment or repeal of a regulation administered and enforced by the department.

(i) The chairman of the Environmental Quality Board may suspend any regulation promulgated solely to meet a requirement of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, when the requirement is no longer binding upon Pennsylvania. Notice of the suspension shall be published in the Pennsylvania Bulletin. Within sixty days after the suspension, the Environmental Quality Board shall reconsider the suspended regulation and shall promulgate, amend or repeal the regulation pursuant to the requirements of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

Section 2. The act is amended by adding a section to read:

Section 1928-A. Conflict of Interest in Mining Regulation.—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 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 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.

Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of October, A. D. 1980.

DICK THORNBURGH