

No. 197

AN ACT

SB 800

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 Navigation Commission for the Delaware River and its navigable tributaries and making repeals and making an appropriation.

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

Section 1. As much as relates to the Department of Commerce and to the Department of Transportation in section 202, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended as to Commerce, August 26, 1953 (P.L.1468, No.430) and amended as to Transportation, December 3, 1970 (P.L.834, No.275), are reenacted and amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * *

In the Department of Commerce,
State Planning Board,

Navigation Commission for the Delaware River and its navigable tributaries;

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In the Department of Transportation,

Hazardous Substances Transportation Board,

[*Navigation Commission for the Delaware River and its navigable tributaries;*]

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All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. Section 475 of the act, added December 3, 1970 (P.L.834, No.275), is amended to read:

Section 475. Navigation Commission for the Delaware River and its Navigable Tributaries.—(a) The Navigation Commission for the Delaware River and its navigable tributaries shall consist of ~~[seven]~~ **nine** members, ~~[three]~~ **four** to be appointed by the Governor; **by and with the advice and consent of a majority of the members of the Senate**; two of whom shall be appointed from among the residents of Delaware County; ~~[and]~~ **one of whom shall be appointed from among residents of Bucks County; and one of whom shall be appointed from among the residents of Philadelphia County**; two to be appointed by the Mayor of the City of Philadelphia; one to be the Secretary of Environmental Resources **or his designee**, who shall serve ex officio, **one to be the Secretary of Commerce or his designee, who shall be chairman**; and one of whom shall be the Director of ~~[Wharves, Docks, and Ferries]~~ **Commerce** of the City of Philadelphia, who shall serve ex officio. **[The Governor shall designate one of the commissioners to be the president of the said commission.]** The principal office of the commission shall be in the City of Philadelphia.

(b) The members of the Navigation Commission for the Delaware River and its navigable tributaries, hereinafter referred to as the commissioners, **shall be appointed initially, two by the Governor and one by the Mayor for a term of two years and two by the Governor and one by the Mayor for a term of four years, and** shall hold office for a term of four years **thereafter**, and until their successors are appointed and qualified, and may be eligible for reappointment to office. They shall serve without compensation, but shall be reimbursed for necessary expenses. A majority of the commissioners, appointed by the Governor and the Mayor of the City of Philadelphia, shall constitute a quorum for the transaction of business.

(c) The ~~[commissioners]~~ **commission** shall have a secretary, and such clerks as may be necessary to keep accurate minutes and entries of all orders, regulations, and transactions of the said commissioners, in a book or books to be kept for that purpose; and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same; and the said commissioners shall give true copies of all such entries or minutes, made in the said book or books as may be required, to such person or persons as shall demand the same, he or they paying to the said commissioners one cent per line for each copy thereof. The commissioners may also have, if the Secretary of ~~[Environmental Resources]~~ **Commerce** approve, a civil engineer, and such other employes as are necessary to the proper transaction of the business of the Navigation Commission for the Delaware River and its navigable tributaries. The said commissioners shall have authority to maintain adequate offices and a meeting room.

The Secretary of ~~[Environmental Resources]~~ **Commerce** shall appoint the secretary and all employes of the commission, whose salaries shall be fixed as provided by law.

Section 3. Section 2012 of the act is repealed.

Section 4. The act is amended by adding a section to read:

Section 2504-B. Powers and Duties of the Navigation Commission for the Delaware River.—The Navigation Commission for the Delaware River shall have the power, and its duty shall be:

(1) To develop, implement and administer a testing program to provide for the licensure of pilots who travel the Delaware River;

(2) To maintain a complete set of records relating to the licensing of pilots for the Delaware River;

(3) To maintain records for all construction permits issued for the Delaware River;

(4) To promulgate rules and regulations necessary for the proper navigation of the Delaware River in conformity with existing Federal laws or Federal rules and regulations;

(5) To impose fines and penalties including the revocation of a pilot's license for violations of the rules and regulations of the commission after due notice and proper hearing in accordance with the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law";

(6) To consult with appropriate Federal and State agencies in relation to navigational control over the Delaware River.

Section 5. (a) The following acts and parts of acts are repealed to the extent specified:

(1) Subsection (b) of section 30, act of December 3, 1970 (P.L.834, No.275), entitled "An act 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,' creating the Department of Environmental Resources and defining its functions, powers and duties, transferring certain boards and commissions to such department, abolishing the Sanitary Water Board, the Air Pollution Commission and certain other boards and commissions; placing the Navigation Commission for the Delaware River and its navigable tributaries in the Department of Transportation; transferring the functions of the

Geographic Board to the Pennsylvania Historical and Museum Commission placing the Valley Forge Park Commission and the Washington Crossing Park Commission in the Pennsylvania Historical and Museum Commission and repealing inconsistent acts," is repealed absolutely.

(2) The act of June 8, 1907 (P.L.496, No.322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," and its amendments (particularly the amendment of June 21, 1937 (P.L.1960, No.385)), are repealed in so far as inconsistent with the provisions of this act.

(b) All other acts or parts of acts inconsistent herewith are repealed to the extent of such inconsistency.

Section 6. (a) Except for personnel, files, records, equipment (including patrol boats) and all appropriations and allocations relating to recreational craft or to the proper maintenance of the Delaware River for use by recreational craft which shall be transferred to the Pennsylvania Fish Commission, all other personnel, allocations, appropriations, agreements, equipment, files, records, classified data files, maps, air photographs, and other material which are used, employed or expended in connection with the duties, powers or vocations transferred by this act or which relate to the administration and enforcement of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," as it relates to the Navigation Commission for the Delaware River and its navigable tributaries are hereby transferred from the Department of Transportation to the Department of Commerce with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Commerce in the first instance.

(b) All contracts, agreements, and obligations which were incurred in connection with the powers, duties or vocations transferred by this act or which relate to the administration of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," as it relates to the Navigation Commission for the Delaware River and its navigable tributaries are hereby transferred from the Department of Transportation to the Department of Commerce with the same force and effect as if the said contracts, agreements, and obligations had been incurred or entered into by said Department of Commerce.

Section 7. The sum of \$40,000 is hereby appropriated to the Department of Commerce for the fiscal year July 1, 1976 to June 30, 1977 for the operation and administration of the Navigation Commission for the Delaware River and its navigable tributaries.

Section 8. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP