

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 85 Session of 2009

INTRODUCED BY MUSTO, M. WHITE, RAFFERTY, TOMLINSON, STOUT,
FOLMER, O'PAKE, ERICKSON AND PILEGGI, JANUARY 29, 2009

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 29, 2009

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 Environmental Quality Board.

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

24 Section 1. Section 471 of the act of April 9, 1929 (P.L.177,
25 No.175), known as The Administrative Code of 1929, amended
26 November 1, 1979 (P.L.251, No.83), is amended to read:

27 Section 471. Environmental Quality Board.--(a) The

1 Environmental Quality Board shall consist of the Secretary of
2 Environmental [Resources] Protection, who shall be chairman
3 thereof, the Secretary of Health, the Secretary of [Commerce]
4 Community and Economic Development, the Secretary of
5 Transportation, the Secretary of Agriculture, the Secretary of
6 Labor and Industry, [the Secretary of Community Affairs,] the
7 Executive Director of the Fish Commission, the Executive
8 Director of the Game Commission, the Chairman of the Public
9 Utilities Commission, the Executive Director of the State
10 Planning Board, the Executive Director of the Pennsylvania
11 Historical and Museum Commission, five members of the Citizens
12 Advisory Council, and four members of the General Assembly. The
13 Citizens Advisory Council members shall be designated by, and
14 serve at the pleasure of, the Citizens Advisory Council. One of
15 the General Assembly members shall be designated by, and serve
16 at the pleasure of, the President Pro Tempore of the Senate, one
17 by the Minority Leader of the Senate, one by the Speaker of the
18 House of Representatives and one by the Minority Leader of the
19 House of Representatives. In addition to the heads of the
20 various departments as elsewhere in this act provided, the other
21 members of the board may have named alternates to serve in their
22 stead, the alternates for the members of the board from the
23 Citizens Advisory Council to be selected by that council from
24 members of the council and each other alternate to be selected
25 by that particular member of the board in whose stead he is to
26 serve. No person will serve as alternate for more than one board
27 member.

28 (b) Eight members of the board shall constitute a quorum.

29 (c) The Department of Environmental Protection shall appoint
30 a counsel to the board, who shall also serve as an independent

counsel to members of the board. The independent counsel shall
be compensated out of the appropriation for the general
government operations of the Department of Environmental
Protection. At the discretion of the board, the independent
counsel shall assist members on all matters before the board,
including, but not limited to, the review of rulemaking
petitions submitted to the board, the drafting and development
of amendments to proposed and final rulemaking and procedural
matters. All communication between the independent counsel and a
board member or the board shall be considered privileged and
confidential between the independent counsel and the board, and
such privilege may be waived only by the board.

Section 2. This act shall take effect immediately.