

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 105 Session of
2007

INTRODUCED BY MUSTO, M. WHITE, FONTANA, STOUT, RAFFERTY,
TOMLINSON, WOZNIAK, RHOADES, GREENLEAF AND WASHINGTON,
MARCH 2, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 30, 2007

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," authorizing the members of
21 the Environmental Quality Board to retain independent legal
22 counsel to the performance of its duties.

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

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

1 Section 471. Environmental Quality Board.--(a) The
2 Environmental Quality Board shall consist of the Secretary of
3 Environmental [Resources] PROTECTION, who shall be chairman <—
4 thereof, the Secretary of Health, the Secretary of [Commerce] <—
5 COMMUNITY AND ECONOMIC DEVELOPMENT, the Secretary of <—
6 Transportation, the Secretary of Agriculture, the Secretary of
7 Labor and Industry, [the Secretary of Community Affairs,] the <—
8 Executive Director of the Fish Commission, the Executive
9 Director of the Game Commission, the Chairman of the Public
10 Utilities Commission, the Executive Director of the State
11 Planning Board, the Executive Director of the Pennsylvania
12 Historical and Museum Commission, five members of the Citizens
13 Advisory Council, and four members of the General Assembly. The
14 Citizens Advisory Council members shall be designated by, and
15 serve at the pleasure of, the Citizens Advisory Council. One of
16 the General Assembly members shall be designated by, and serve
17 at the pleasure of, the President Pro Tempore of the Senate, one
18 by the Minority Leader of the Senate, one by the Speaker of the
19 House of Representatives and one by the Minority Leader of the
20 House of Representatives. In addition to the heads of the
21 various departments as elsewhere in this act provided, the other
22 members of the board may have named alternates to serve in their
23 stead, the alternates for the members of the board from the
24 Citizens Advisory Council to be selected by that council from
25 members of the council and each other alternate to be selected
26 by that particular member of the board in whose stead he is to
27 serve. No person will serve as alternate for more than one board
28 member.

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

30 (c) The Department of Environmental Protection shall appoint

1 a counsel to the board, who shall also serve as an independent
2 counsel to members of the board. The independent counsel shall
3 be compensated out of the appropriation for the general
4 government operations of the Department of Environmental
5 Protection. At the discretion of the board, the independent
6 counsel shall assist members on all matters before the board,
7 including, but not limited to, the review of rulemaking
8 petitions submitted to the board, the drafting and development
9 of amendments to proposed and final rulemakings and procedural
10 matters. All communication between the independent counsel and a
11 board member or the board shall be considered privileged and
12 confidential between the independent counsel and the board and
13 such privilege may be waived only by the board.

14 Section 2. This act shall take effect immediately.