AN ACT

Establishing the Health Advisory Panel on Shale Gas Extraction and Natural Gas Use; and providing for its powers and duties.

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

Section 1. Short title.

This act shall be known and may be cited as the Health Advisory Panel on Shale Gas Extraction and Natural Gas Use Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advisory panel." The Health Advisory Panel on Shale Gas Extraction and Natural Gas Use established by this act.

"Department." The Department of Health of the Commonwealth.

Section 3. Health Advisory Panel on Shale Gas Extraction and Natural Gas Use.

(a) Establishment.--The Health Advisory Panel on Shale Gas Extraction and Natural Gas Use.
Extraction and Natural Gas Use is established.

(b) Composition.--The advisory panel shall be composed of the following members:

(1) The Secretary of Health, who shall be the chairperson of the panel, or a designee who shall be an employee of the department.

(2) The Secretary of Environmental Protection or a designee who shall be an employee of the Department of Environmental Protection.

(3) Four members appointed by the General Assembly under subsection (c).

(4) Three members appointed by the Governor under subsection (c)(2) and (3).

(c) Appointments.--

(1) Appointments by the General Assembly under subsection (b)(3) shall be made as follows:

(i) One individual shall be appointed by the President pro tempore of the Senate.

(ii) One individual shall be appointed by the Minority Leader of the Senate.

(iii) One individual shall be appointed by the Speaker of the House of Representatives.

(iv) One individual shall be appointed by the Minority Leader of the House of Representatives.

(2) Members appointed under subsection (b)(3) and (4) shall serve for a term of two years and:

(i) may not hold any other position as an elected official or employee of the Commonwealth; and

(ii) must be residents of this Commonwealth.

(3) Both legislative and gubernatorial appointees shall
each collectively have expertise or substantial experience in
public health, earth and mineral sciences, environmental
studies, shale gas extraction and natural gas use.

(d) Quorum.--Five members of the advisory panel shall
constitute a quorum. The adoption of a resolution or other
action of the advisory panel shall require a majority vote of
the members of the advisory panel.

(e) Compensation.--The members of the advisory panel shall
not be entitled to compensation for their services as members of
the advisory panel but shall be entitled to reimbursement by the
department for all necessary and reasonable expenses incurred in
connection with the performance of their duties as members of
the advisory panel.

(f) Initial appointment and vacancy.--Initial appointments
shall be made within 30 days of the effective date of this
section. Whenever a vacancy occurs on the advisory panel, a
successor member shall be appointed within 30 days of the
vacancy. Any appointment to fill a vacancy shall be for the
unexpired term. Members so appointed to fill the unexpired term
of an initial appointee shall be subject to the provisions of
subsection (g).

(g) Term limit.--No member shall serve more than three
consecutive two-year terms.

(h) Applicability.--The following acts shall apply to the
advisory panel:

(1) The act of July 19, 1957 (P.L.1017, No.451), known
as the State Adverse Interest Act.

(2) The act of February 14, 2008 (P.L.6, No.3), known as
the Right-to-Know Law.

(3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
open meetings) and 11 (relating to ethics standards and financial disclosure).

Section 4. Duties.

(a) General rules.--The advisory panel shall:

(1) Meet as often as necessary but at least biannually.

(2) Consult with experts involved with the extraction and use of natural gas reserves in this Commonwealth.

(3) Consult with the department to review public health data relating to areas where shale gas extraction occurs and public health data relating to the benefits of the use of natural gas.

(4) Consult with experts conducting research and studies meeting the peer review requirements of the department regarding potential public health effects from shale gas extraction and public health benefits from the use of natural gas.

(5) Evaluate public health data regarding the extraction and use of natural gas and information regarding the techniques and procedures for shale gas extraction in order to provide elected officials, regulators and the general public with information and analyses regarding the safe, efficient and environmentally responsible extraction and use of natural gas reserves in this Commonwealth.

(6) Submit an annual report on its activities to the Governor and General Assembly.

(b) Actions.--Actions by the advisory panel are a determination of public policy and public interest and shall not be considered adjudications under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agencies).
agency action) and shall not be appealable to the department or
a court of law.

Section 5. Expiration.

This act shall expire in six years.

Section 6. Effective date.

This act shall take effect in 30 days.