

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 105 Session of  
2007

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

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 2, 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 employees 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 employees 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:

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

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

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

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

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

12       Section 2. This act shall take effect immediately.