

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 85

Session of  
2009

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MARCH  
15, 2010

## 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:

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~~ FROM 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 rulemaking and ADVICE ←  
10 RELATING TO procedural matters. All communication between the  
11 independent counsel and a board member or the board shall be  
12 considered privileged and confidential ~~between the independent~~ ←  
13 ~~counsel and the board,~~ and such privilege may be waived only by  
14 the board.

15       Section 2. This act shall take effect immediately.