
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 665 Session of
2007

INTRODUCED BY GEORGE, COHEN, BELFANTI, CALTAGIRONE, CARROLL,
CURRY, DALEY, EACHUS, FABRIZIO, FREEMAN, GIBBONS, GOODMAN,
GRUCELA, HENNESSEY, HORNAMAN, JOSEPHS, KULA, LEACH,
LEVDANSKY, MANDERINO, MARSICO, McILHATTAN, MELIO, MUNDY,
REICHLEY, ROSS, SURRA, WALKO, YOUNGBLOOD AND YUDICHAK,
MARCH 9, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 9, 2007

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, further defining "communication to the
3 government" and "enforcement of environmental law and
4 regulation" for purposes of participation in environmental
5 law or regulation; and further providing for immunity.

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

8 Section 1. The definitions of "communication to the
9 government" and "enforcement of environmental law or regulation"
10 in section 8301 of Title 27 of the Pennsylvania Consolidated
11 Statutes are amended to read:

12 § 8301. Definitions.

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

16 "Communication [to the government.]" in furtherance of a
17 person's right of petition or free speech under the United

1 States Constitution or the Constitution of Pennsylvania in
2 connection with a public issue." A written or oral statement or
3 writing made:

4 (1) before a legislative, executive or judicial
5 proceeding or any other official proceeding authorized by
6 law;

7 (2) in connection with an issue under consideration or
8 review by a legislative, executive or judicial body or any
9 other official proceeding authorized by law; or

10 (3) to a government agency in connection with the
11 implementation and enforcement of environmental law and
12 regulations.

13 "Enforcement of environmental law and regulation." Activity
14 relating to the identification and elimination of violations of
15 environmental laws and regulations, including, but not limited
16 to, land use and zoning, investigations of alleged violations,
17 inspections of activities subject to regulation under
18 environmental law and regulations and responses taken to produce
19 correction of the violations.

20 * * *

21 Section 2. Section 8302(a) of Title 27 is amended to read:
22 § 8302. Immunity.

23 (a) General rule.--Except as provided in subsection (b), a
24 person that, pursuant to Federal or State law, files an action
25 in the courts of this Commonwealth to enforce an environmental
26 law or regulation or that makes an oral or written communication
27 [to a government agency] in furtherance of a person's right of
28 petition or free speech under the United States Constitution or
29 the Constitution of Pennsylvania in connection with a public
30 issue relating to enforcement or implementation of an

1 environmental law or regulation shall be immune from civil
2 liability in any resulting legal proceeding for damages where
3 the action or communication is aimed at procuring favorable
4 governmental action.

5 * * *

6 Section 3. This act shall take effect in 60 days.