

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 164 Session of 2013

INTRODUCED BY YUDICHAK, TARTAGLIONE, HUGHES, FERLO, FONTANA,  
RAFFERTY, COSTA AND BREWSTER, JANUARY 15, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 15, 2013

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:

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

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

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

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

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

13 Section 2. This act shall take effect immediately.