

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 555 Session of 2013

INTRODUCED BY SCARNATI, SOLOBAY, YUDICHAK, COSTA, WAUGH, ERICKSON, YAW, GREENLEAF, TOMLINSON, MENSCH, WARD, ARGALL, VULAKOVICH, VOGEL, ALLOWAY, BAKER, WHITE, FONTANA, KASUNIC, BREWSTER, TARTAGLIONE, SCHWANK, FERLO, BOSCOLA AND BROWNE, MARCH 20, 2013

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, AS AMENDED, JUNE 28, 2013

AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

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

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

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

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

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

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

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

13 (4) Three members appointed by the Governor under
14 subsection ~~(d)~~ (C) (2) AND (3). <--

15 (c) ~~Legislative appointments~~ APPOINTMENTS.-- <--

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

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

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

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

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

26 ~~(2) Legislative appointees may not hold any other~~ <--
27 ~~position as an elected official or employee of the~~
28 ~~Commonwealth.~~

29 ~~(3) Legislative appointees must be residents of this~~
30 ~~Commonwealth and shall serve for a two year term.~~

1 ~~(4) Legislative appointees must collectively have~~
2 ~~expertise or substantial experience in public health, earth-~~
3 ~~and mineral sciences, environmental studies and shale gas-~~
4 ~~extraction and natural gas use.~~

5 ~~(d) Gubernatorial appointments. Members appointed by the~~
6 ~~Governor under subsection (b) (4):~~

7 ~~(1) May not hold any other position as an elected~~
8 ~~official or employee of the Commonwealth.~~

9 ~~(2) Must be residents of this Commonwealth and~~
10 ~~collectively have expertise or substantial experience in~~
11 ~~public health, earth and mineral sciences, environmental~~
12 ~~studies and shale gas extraction and natural gas use.~~

13 ~~(3) Shall serve a two year term.~~

14 (2) MEMBERS APPOINTED UNDER SUBSECTION (B) (3) AND (4) <--
15 SHALL SERVE FOR A TERM OF TWO YEARS AND:

16 (I) MAY NOT HOLD ANY OTHER POSITION AS AN ELECTED
17 OFFICIAL OR EMPLOYEE OF THIS COMMONWEALTH; AND

18 (II) MUST BE RESIDENTS OF THIS COMMONWEALTH.

19 (3) BOTH LEGISLATIVE AND GUBERNATORIAL APPOINTEES SHALL
20 EACH COLLECTIVELY HAVE EXPERTISE OR SUBSTANTIAL EXPERIENCE IN
21 PUBLIC HEALTH, EARTH AND MINERAL SCIENCES, ENVIRONMENTAL
22 STUDIES, SHALE GAS EXTRACTION AND NATURAL GAS USE.

23 ~~(e) (D) Quorum.--Five members of the advisory panel shall~~ <--
24 ~~constitute a quorum. The adoption of a resolution or other~~
25 ~~action of the advisory panel shall require a majority vote of~~
26 ~~the members of the advisory panel.~~

27 ~~(f) (E) Compensation.--The members of the advisory panel~~ <--
28 ~~shall NOT be entitled to no compensation for their services as~~ <--
29 ~~members of the advisory panel but shall be entitled to~~
30 ~~reimbursement by the department for all necessary and reasonable~~

1 expenses incurred in connection with the performance of their
2 duties as members of the advisory panel.

3 ~~(g)~~ (F) Initial appointment and vacancy.--~~Appointing~~ <--
4 ~~authorities shall appoint initial advisory panel members~~ INITIAL <--
5 APPOINTMENTS SHALL BE MADE within 30 days of the effective date
6 of this section. Whenever a vacancy occurs on the advisory
7 panel, ~~the appointing authority shall appoint~~ a successor member <--
8 SHALL BE APPOINTED within 30 days of the vacancy. Any <--
9 appointment to fill a vacancy shall be for the unexpired term.
10 Members so appointed to fill the unexpired term of an initial
11 appointee shall be subject to the provisions of subsection ~~(h)~~ <--
12 (G). <--

13 ~~(h)~~ (G) Term limit.--No member shall serve more than three <--
14 consecutive two-year terms.

15 ~~(i)~~ (H) Applicability.--The following acts shall apply to <--
16 the advisory panel:

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

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

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

24 Section 4. Duties.

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

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

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

29 (3) Consult with the department to review public health
30 data relating to areas where shale gas extraction occurs and

1 public health data relating to the benefits of the use of
2 natural gas.

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

8 (5) Evaluate public health data regarding the extraction
9 and use of natural gas and information regarding the
10 techniques and procedures for shale gas extraction in order
11 to provide ~~Pennsylvania-elected~~ ELECTED officials, regulators <--
12 and the general public with information and analyses
13 regarding the safe, efficient and environmentally responsible
14 extraction and use of natural gas reserves in this
15 Commonwealth.

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

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

25 Section 5. Expiration.

26 This act shall expire in six years unless otherwise
27 reenacted.

28 Section 6. Effective date.

29 This act shall take effect in 30 days.