

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 307** Session of  
2015INTRODUCED BY YUDICHAK, FONTANA, COSTA, BREWSTER, BOSCOLA,  
SCHWANK, HUGHES AND RAFFERTY, JANUARY 23, 2015AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND  
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 29, 2015

## 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," in organization of  
21 departmental administrative boards and commissions and of  
22 advisory boards and commissions, further providing for the  
23 Environmental Quality Board.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. Section 471 of the act of April 9, 1929 (P.L.177,  
27 No.175), known as The Administrative Code of 1929, amended

1 November 1, 1979 (P.L.251, No.83), is amended to read:

2 Section 471. Environmental Quality Board.--(a) The  
3 Environmental Quality Board shall consist of the Secretary of  
4 Environmental [Resources] Protection, who shall be chairman  
5 thereof, the Secretary of Health, the Secretary of [Commerce]  
6 Community and Economic Development, the Secretary of  
7 Transportation, the Secretary of Agriculture, the Secretary of  
8 Labor and Industry, [the Secretary of Community Affairs,] the  
9 Executive Director of the Pennsylvania Fish and Boat Commission,  
10 the Executive Director of the Pennsylvania Game Commission, the  
11 Chairman of the Pennsylvania Public [Utilities] Utility  
12 Commission, the Executive Director of the State Planning Board,  
13 the Executive Director of the Pennsylvania Historical and Museum  
14 Commission, five members of the Citizens Advisory Council, and  
15 four members of the General Assembly. The Citizens Advisory  
16 Council members shall be designated by, and serve at the  
17 pleasure of, the Citizens Advisory Council. One of the General  
18 Assembly members shall be designated by, and serve at the  
19 pleasure of, the President Pro Tempore of the Senate, one by the  
20 Minority Leader of the Senate, one by the Speaker of the House  
21 of Representatives and one by the Minority Leader of the House  
22 of Representatives. In addition to the heads of the various  
23 departments as elsewhere in this act provided, the other members  
24 of the board may have named alternates to serve in their stead,  
25 the alternates for the members of the board from the Citizens  
26 Advisory Council to be selected by that council from members of  
27 the council and each other alternate to be selected by that  
28 particular member of the board in whose stead he is to serve. No  
29 person will serve as alternate for more than one board member.

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

1     (c) The Department of Environmental Protection shall appoint  
2 a counsel to the board, who shall also serve as an independent  
3 counsel to members of the board ON ANY MATTER WITHIN THE     <--  
4 JURISDICTION OF THE BOARD. The independent counsel shall be  
5 compensated from the appropriation for the general government  
6 operations of the Department of Environmental Protection. At the  
7 discretion of the board, the independent counsel shall assist  
8 members on all matters before the board, including, but not  
9 limited to, the review of rulemaking petitions submitted to the  
10 board, the drafting and development of amendments to proposed  
11 and final rulemaking and advice relating to procedural matters.  
12 All communication between the independent counsel and a board  
13 member or the board shall be considered privileged and     <--  
14 confidential, and such privilege may be waived only by the board  
15 SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE CONSISTENT WITH THE     <--  
16 RULES OF PROFESSIONAL CONDUCT.

17     Section 2. This act shall take effect immediately.