

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 307 Session of 2015

INTRODUCED BY YUDICHAK, FONTANA, COSTA, BREWSTER, BOSCOLA, SCHWANK, HUGHES AND RAFFERTY, JANUARY 23, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 1, 2016

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; AND, IN POWERS AND DUTIES OF
24 THE DEPARTMENT OF AGRICULTURE AND ITS DEPARTMENTAL
25 ADMINISTRATIVE COMMISSION, PROVIDING FOR AGRICULTURAL FAIRS.

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26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 471 of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929, amended
2 November 1, 1979 (P.L.251, No.83), is amended to read:

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

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

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

4 counsel to members of the board ON ANY MATTER WITHIN THE <--

5 JURISDICTION OF THE BOARD. The independent counsel shall be

6 compensated from the appropriation for the general government

7 operations of the Department of Environmental Protection. At the

8 discretion of the board, the independent counsel shall assist

9 members on all matters before the board, including, but not

10 limited to, the review of rulemaking petitions submitted to the

11 board, the drafting and development of amendments to proposed

12 and final rulemaking and advice relating to procedural matters.

13 All communication between the independent counsel and a board

14 member or the board shall be considered privileged and <--

15 confidential, and such privilege may be waived only by the board

16 SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE CONSISTENT WITH THE <--

17 RULES OF PROFESSIONAL CONDUCT.

18 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

19 SECTION 1717. AGRICULTURAL FAIRS.--THE DEPARTMENT OF

20 AGRICULTURE SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO ENSURE

21 DISTRIBUTION OF MONEY FROM THE STATE RACING FUND TO AGRICULTURAL

22 FAIRS IN ACCORDANCE WITH THE FOLLOWING:

23 (1) BEGINNING JULY 1, 2017, AND ANNUALLY THEREAFTER, EACH

24 WEEK, TWO HUNDRED THOUSAND DOLLARS (\$200,000) SHALL BE

25 TRANSFERRED FROM THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND TO

26 THE STATE RACING FUND.

27 (2) THE MONEY TRANSFERRED TO THE STATE RACING FUND IN

28 PARAGRAPH (1) SHALL BE DISTRIBUTED TO AGRICULTURAL FAIRS IN

29 ACCORDANCE WITH THE ACT OF JULY 8, 1986 (P.L.437, NO.92), KNOWN

30 AS THE "PENNSYLVANIA AGRICULTURAL FAIR ACT."

1 (3) THE TOTAL TRANSFER UNDER THIS SECTION MAY NOT EXCEED
2 FIVE MILLION DOLLARS (\$5,000,000).

3 Section ~~2~~ 3. This act shall take effect immediately.

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