
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 AND BOSCOLA,
MARCH 20, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 20, 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).

15 (c) Legislative 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 (e) Quorum.--Five members of the advisory panel shall
15 constitute a quorum. The adoption of a resolution or other
16 action of the advisory panel shall require a majority vote of
17 the members of the advisory panel.

18 (f) Compensation.--The members of the advisory panel shall
19 be entitled to no compensation for their services as members of
20 the advisory panel but shall be entitled to reimbursement by the
21 department for all necessary and reasonable expenses incurred in
22 connection with the performance of their duties as members of
23 the advisory panel.

24 (g) Initial appointment and vacancy.--Appointing authorities
25 shall appoint initial advisory panel members within 30 days of
26 the effective date of this section. Whenever a vacancy occurs on
27 the advisory panel, the appointing authority shall appoint a
28 successor member within 30 days of the vacancy. Any appointment
29 to fill a vacancy shall be for the unexpired term. Members so
30 appointed to fill the unexpired term of an initial appointee

1 shall be subject to the provisions of subsection (h).

2 (h) Term limit.--No member shall serve more than three
3 consecutive two-year terms.

4 (i) Applicability.--The following acts shall apply to the
5 advisory panel:

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

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

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

13 Section 4. Duties.

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

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

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

18 (3) Consult with the department to review public health
19 data relating to areas where shale gas extraction occurs and
20 public health data relating to the benefits of the use of
21 natural gas.

22 (4) Consult with experts conducting research and studies
23 meeting the peer review requirements of the department
24 regarding potential public health effects from shale gas
25 extraction and public health benefits from the use of natural
26 gas.

27 (5) Evaluate public health data regarding the extraction
28 and use of natural gas and information regarding the
29 techniques and procedures for shale gas extraction in order
30 to provide Pennsylvania-elected officials, regulators and the

1 general public with information and analyses regarding the
2 safe, efficient and environmentally responsible extraction
3 and use of natural gas reserves in this Commonwealth.

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

6 (b) Actions.--Actions by the advisory panel are a
7 determination of public policy and public interest and shall not
8 be considered adjudications under 2 Pa.C.S. Chs. 5 Subch. A
9 (relating to practice and procedure of Commonwealth agencies)
10 and 7 Subch. A (relating to judicial review of Commonwealth
11 agency action) and shall not be appealable to the department or
12 a court of law.

13 Section 5. Expiration.

14 This act shall expire in six years unless otherwise
15 reenacted.

16 Section 6. Effective date.

17 This act shall take effect in 30 days.