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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 375 Session of  
2015

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INTRODUCED BY SCARNATI, BROWNE, GORDNER, ARGALL, YAW, SCAVELLO,  
VULAKOVICH, GREENLEAF, WARD, WHITE, BAKER, VOGEL, STEFANO,  
BARTOLOTTA, BOSCOLA, WOZNIAK, YUDICHAK, BREWSTER, HAYWOOD,  
FONTANA AND SCHWANK, JANUARY 30, 2015

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REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 30, 2015

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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.

17 (a) Establishment.--The Health Advisory Panel on Shale Gas

1 Extraction and Natural Gas Use is established.

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

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

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

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

12 (4) Three members appointed by the Governor under  
13 subsection (c) (2) and (3).

14 (c) Appointments.--

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

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

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

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

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

25 (2) Members appointed under subsection (b) (3) and (4)  
26 shall serve for a term of two years and:

27 (i) may not hold any other position as an elected  
28 official or employee of the Commonwealth; and

29 (ii) must be residents of this Commonwealth.

30 (3) Both legislative and gubernatorial appointees shall

1 each collectively have expertise or substantial experience in  
2 public health, earth and mineral sciences, environmental  
3 studies, shale gas extraction and natural gas use.

4 (d) Quorum.--Five members of the advisory panel shall  
5 constitute a quorum. The adoption of a resolution or other  
6 action of the advisory panel shall require a majority vote of  
7 the members of the advisory panel.

8 (e) Compensation.--The members of the advisory panel shall  
9 not be entitled to compensation for their services as members of  
10 the advisory panel but shall be entitled to reimbursement by the  
11 department for all necessary and reasonable expenses incurred in  
12 connection with the performance of their duties as members of  
13 the advisory panel.

14 (f) Initial appointment and vacancy.--Initial appointments  
15 shall be made within 30 days of the effective date of this  
16 section. Whenever a vacancy occurs on the advisory panel, a  
17 successor member shall be appointed within 30 days of the  
18 vacancy. Any appointment to fill a vacancy shall be for the  
19 unexpired term. Members so appointed to fill the unexpired term  
20 of an initial appointee shall be subject to the provisions of  
21 subsection (g).

22 (g) Term limit.--No member shall serve more than three  
23 consecutive two-year terms.

24 (h) Applicability.--The following acts shall apply to the  
25 advisory panel:

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

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

30 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to

1 open meetings) and 11 (relating to ethics standards and  
2 financial disclosure).

3 Section 4. Duties.

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

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

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

8 (3) Consult with the department to review public health  
9 data relating to areas where shale gas extraction occurs and  
10 public health data relating to the benefits of the use of  
11 natural gas.

12 (4) Consult with experts conducting research and studies  
13 meeting the peer review requirements of the department  
14 regarding potential public health effects from shale gas  
15 extraction and public health benefits from the use of natural  
16 gas.

17 (5) Evaluate public health data regarding the extraction  
18 and use of natural gas and information regarding the  
19 techniques and procedures for shale gas extraction in order  
20 to provide elected officials, regulators and the general  
21 public with information and analyses regarding the safe,  
22 efficient and environmentally responsible extraction and use  
23 of natural gas reserves in this Commonwealth.

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

26 (b) Actions.--Actions by the advisory panel are a  
27 determination of public policy and public interest and shall not  
28 be considered adjudications under 2 Pa.C.S. Chs. 5 Subch. A  
29 (relating to practice and procedure of Commonwealth agencies)  
30 and 7 Subch. A (relating to judicial review of Commonwealth

1 agency action) and shall not be appealable to the department or  
2 a court of law.

3 Section 5. Expiration.

4 This act shall expire in six years.

5 Section 6. Effective date.

6 This act shall take effect in 30 days.