

# **Mining and Reclamation Advisory Board**

## **Bylaws**

(As Amended December 12, 1996)

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### **ARTICLE I**

#### **Authorization**

The Mining and Reclamation Advisory Board is authorized and organized pursuant to Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act (Act 181 of 1984) as amended by Act 173 of 1992.

### **ARTICLE II**

#### **Purpose**

The advisory board is charged to assist the Secretary to expend the funds for the purposes provided by this act and to advise the Secretary on all matter pertaining to surface coal mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, selection of reclamation projects, alternate reclamation methods, obligations for pre-existing pollution liability, alteration of reclamation loans, reclamation fees and bonding rates and methods.

### **ARTICLE III**

#### **Membership**

The board shall be comprised of three coal operators, two of whom shall be licensed bituminous surface mine operators and one of whom shall be a licensed anthracite surface mine operator; four public members from the Citizens Advisory Council, who shall be appointed by the council; two members, one from the Anthracite and Bituminous Licensed Professional Engineers, and one from the County Conservation Districts, who shall be appointed by the State Conservation District Commission; four members of the General Assembly, two from the Senate, one member from the majority party and one member from the minority party, who shall be appointed by the President pro tempore, and two from the House of Representatives, one from the majority party and one from the minority party, who shall be appointed by the Speaker of the House of Representatives.

**A.** Board members shall designate an alternate. The chairperson shall be notified, in writing, of such alternate.

**B.** The board may recommend to the appointing authority removal of any member not attending, or not represented by a designee, at two board meetings in a year.

## **ARTICLE IV**

### **Voting**

Members, or designated alternates, shall be entitled to one vote, in person, on all matters which shall come before the board. No voting shall be done without a quorum, unless otherwise indicated in these bylaws. A majority of the membership of the board shall constitute a quorum.

## **ARTICLE V**

### **Officers**

The officers of the board shall be a chairperson and a vice chairperson.

The chairperson and vice chairperson shall be elected from the membership of the board, as defined in the Pennsylvania Surface Mining Conservation and Reclamation Act, as amended, and may not be the Secretary of the Department of Environmental Protection, or his designee. They shall hold office for a term of one year, or until a successor is elected.

It shall be the duty of the chairperson to preside at all meetings of the board, call special meetings, prepare and distribute the meeting agenda, and perform such other duties as pertain to the office.

It shall be the duty of the vice chairperson to perform the duties of the chairperson in his/her absence.

## **ARTICLE VI**

### **Administration**

Administrative and clerical duties shall be performed by the Office of Mineral Resources Management, Department of Environmental Protection. A Department staff person shall function as a recording and corresponding secretary. Included among these administrative duties shall be:

- A.** To give timely notice of meetings of the board and committees.
- B.** To record full board and committee meeting minutes and keep a permanent file. Board and committee meeting minutes shall be distributed to the full membership. Minutes should be reviewed by the chairperson or vice chairperson prior to distribution.
- C.** To conduct both outgoing and incoming correspondence and maintain a permanent file of such correspondence, and
- D.** To perform such other duties as may be requested by the board including, but not limited to, travel arrangements, conference calls, etc.

In addition, staff representatives from the Office of Mineral Resources Management shall serve as staff liaison to the board.

## **ARTICLE VII**

### **Committees**

The board may establish committees to assist in performing its advisory duties.

- A.** Committees shall be established by a majority vote of those members attending a regular or special meeting of the board.
- B.** The board chairperson shall appoint committee members. The committee chairperson shall be selected by its members. The committee chairperson will be responsible for calling committee meetings, requesting needed assistance from the Department, and reporting to the board, and shall receive necessary administrative and clerical support from the Department.
- C.** Each committee shall develop and adopt a statement of purpose or objective of the committee at a meeting of that committee after its creation.
- D.** The chairperson of the board shall appoint a committee to prepare the Annual Report, as mandated by Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act.
- E.** A listing of the committees and their statements of purpose shall be maintained as an appendix to these bylaws. Changes to the appendix shall not constitute a change to the bylaws.

## **ARTICLE VIII**

### **Meetings**

The board shall meet on the first Thursday of the months of January and July, and the fourth Thursday of the months of April and October, unless changed by a majority of the members. Alternate meeting dates and special meetings shall be called by the chairperson, in consultation with the vice chairperson. Committee meetings shall be called by committee chairpersons, who shall also notify the full board.

## **ARTICLE IX**

### **Participation by Non-Board Members**

#### **A. Formal Presentation**

Any person may ask the board for time on the formal agenda to present policy, regulatory or legislative concerns for the board to consider. The request shall be made in writing to the chairperson and include a summary of the presentation. The chairperson shall determine the

interest of the board in the subject and decide if the presentation will be allowed during the formal agenda. Requests shall be submitted at least one month prior to a board meeting.

**B. Informal Discussion**

At the discretion of the chairperson, any person present at the meeting shall be afforded the opportunity to speak to the board, or ask questions of board members.

**ARTICLE X  
Amendments**

The bylaws may be amended, repealed, or suspended at any meeting of the board by a two-thirds vote of the members of the board, provided that written notice of such amendment, repeal, or suspension shall have been sent to each member at least one week prior to said meeting.

**ARTICLE XI  
Board Representation**

The board shall act as a body in all matters before it and only the chairperson, or his or her designee, the vice chairperson or the board's designee, shall speak on behalf of the board.