

No. 1996-137

AN ACT

HB 2380

Amending the act of October 21, 1988 (P.L.1036, No.116), entitled "An act establishing the Hardwoods Development Council; conferring powers and duties upon the council; and making an appropriation," further providing for definitions, for the Hardwoods Development Council and for the council's powers and duties; and providing for a transfer of functions from the Department of Community and Economic Development to the Department of Agriculture.

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

Section 1. Sections 3, 4 and 6 of the act of October 21, 1988 (P.L.1036, No.116), known as the Hardwoods Development Council Act, are amended to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Council." The Hardwoods Development Council of the Commonwealth established under section 4.

"Department." The Department of [~~Commerce~~] *Agriculture* of the Commonwealth.

Section 4. Council.

(a) Composition.—The Hardwoods Development Council is established within the department. The council shall include, but not be limited to, the following [21] 25 members:

(1) [~~Four~~] *Six* members:

(i) The Secretary of Agriculture.

(ii) The Secretary of [~~Commerce~~] *Community and Economic Development*.

(iii) The Secretary of [~~Environmental~~] *Conservation and Natural Resources*.

(iv) The State Forester.

(v) *The Secretary of Transportation*.

(vi) *The Executive Director of the Pennsylvania Rural Development Council*.

(2) Four legislative members:

(i) Two senators, one appointed by the President pro tempore of the Senate and one appointed by the Minority Leader of the Senate.

(ii) Two representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(3) [**Thirteen**] *Fifteen* public members appointed by the Governor:

(i) One representative of an agricultural college from a State-related university.

(ii) One representative of the Forest Service of the Federal Department of Agriculture.

(iii) One representative of furniture manufacturers.

(iv) One representative of veneer manufacturers.

(v) Two representatives of secondary processors.

(vi) Two representatives of nonprofit corporations which have the purpose to promote and enhance the hardwood industry in this Commonwealth.

(vii) One representative of the Pennsylvania Chamber of Business and Industry.

(viii) One representative of the Pennsylvania Forestry Association.

(ix) One representative of the Pennsylvania Hardwood Lumber Manufacturing Association.

(x) One representative of pulp and paper manufacturers.

(xi) One representative of the saw mill operators.

(xii) *One representative of maple producers.*

(xiii) *One representative of the Pennsylvania State Association of Township Supervisors.*

(b) Term of office.—

(1) Members under subsection (a)(1) shall serve as long as they are in office.

(2) Legislative members under subsection (a)(2) shall serve terms of two years.

(3) Public members under subsection (a)(3) shall serve the following terms:

(i) Public members under subsection (a)(3)(vi) through (ix), (xii) and (xiii) shall serve terms of two years.

(ii) Public members under subsection (a)(3)(iii) through (v), (x) and (xi) shall serve terms of three years.

(iii) Public members under subsection (a)(3)(i) and (ii) shall serve terms of four years.

(c) Designees.—Members under subsection (a)(1) and legislative members under subsection (a)(2) may appoint designees to serve on the council.

(d) Vacancies.—Vacancies in office shall be filled by the appointing authority who made the original appointment.

(e) Officers.—The Secretary of [**Commerce**] *Agriculture* or his designee shall serve as the chairperson, and the council shall elect other officers as it deems necessary.

(f) Meetings.—The council shall meet quarterly and shall hold special meetings at the call of the chairperson. A simple majority shall constitute a quorum.

(g) Compensation.—Members of the council shall serve without compensation.

Section 6. Powers and duties of council.

The council has the following powers and duties:

(1) To recommend appropriate measures relating to the promotion of the industrial potential of the hardwood industry in this Commonwealth.

(2) To propose plans for economic development and expansion of the Commonwealth's hardwood industry.

(3) To develop a national and international marketing program to promote Pennsylvania hardwoods as the world's finest and to assist Pennsylvania's hardwood manufacturers and processors in developing national and foreign markets.

(4) To encourage cooperation and coordination among Federal, State and local programs. This paragraph includes public-sector and private-sector programs. This paragraph includes access to the data of administrative agencies unless the access is prohibited by law.

(5) To recommend to the Governor, *the Secretary of Agriculture*, the Secretary of [Commerce] *Community and Economic Development* and the General Assembly the updating of economic delivery tools as well as to develop research initiatives which would lead to the promotion of the hardwood industry in this Commonwealth.

(6) To maintain liaison with and advise the Governor, *the Secretary of Agriculture*, the Secretary of [Commerce] *Community and Economic Development* and the General Assembly on programs and projects, including, but not limited to, research, marketing and promotion. These activities shall be carried out in conjunction with the department and the appropriate nonprofit organizations whose primary role is to promote the hardwood industry.

Section 2. (a) The subjects of transfer of the Department of Community and Economic Development are transferred to the Department of Agriculture with the same force and effect as if they had originally belonged to the Department of Agriculture.

(b) The civil service status of employees of the Department of Community and Economic Development transferred by subsection (a) shall not be affected by transfer.

(c) As used in this section, the term "subjects of transfer" means personnel, appropriations, allocations, documents, records, equipment, materials, rights and obligations utilized or accruing in connection with the functions transferred by this act.

Section 3. This act shall take effect in 60 days.

APPROVED—The 27th day of November, A.D. 1996.

THOMAS J. RIDGE