

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 223 Session of
1991

INTRODUCED BY D. R. WRIGHT, FREEMAN, McCALL, BILLOW, MICHLOVIC,
DeLUCA, VEON, ITKIN, KOSINSKI, TANGRETTI, COHEN, FEE,
F. TAYLOR, TRELLO, GIGLIOTTI, PISTELLA, PETRARCA, KUKOVICH,
PRESTON, MELIO, GODSHALL, CLARK, KASUNIC, CIVERA, COY,
CAPPABIANCA, E. Z. TAYLOR, RAYMOND, BELARDI AND TELEK,
FEBRUARY 4, 1991

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 4, 1991

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 employees 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 employees of certain departments, boards and
20 commissions shall be determined," further providing for
21 emergency powers regarding shortages of petroleum products
22 and other fuels.

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

25 Section 1. Section 2801-C of the act of April 9, 1929
26 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 amended by adding a definition to read:

2 Section 2801-C. Definitions.--The following words and
3 phrases when used in this article shall have the meanings given
4 to them in this section unless the context clearly indicates
5 otherwise:

6 * * *

7 "Other fuels" includes propane gas which is derived from
8 petroleum or natural gas.

9 * * *

10 Section 2. Section 2802-C of the act, added December 14, 1982
11 (P.L.1213, No.280), is amended to read:

12 Section 2802-C. Emergency Petroleum Product Shortages.--(a)
13 The Governor may, by executive order, proclaim a state of
14 emergency based upon a finding that there impends or exists a
15 substantial shortage of petroleum products or other fuels
16 available for use in Pennsylvania which poses a serious threat
17 to health, safety or welfare of the public. A state of energy
18 emergency shall remain in effect for the maximum period of
19 ninety days and may be extended by the Governor unless the
20 extension is disapproved by concurrent resolution adopted by
21 both Houses of the General Assembly. A state of emergency may be
22 declared for all or any portion of the Commonwealth.

23 (b) Upon proclamation of a state of emergency, the Governor
24 shall designate a State agency to conduct emergency allocation
25 measures during the period of the declared emergency. Emergency
26 allocation measures may consist of:

27 (1) the administration of any emergency allocation powers
28 delegated to the State by the President or any Federal agency;

29 (2) the implementation of a set aside program, for not more
30 than one percent (1%) of the petroleum products or other fuels

1 available for use in Pennsylvania, to alleviate hardship or meet
2 emergency needs. A set aside program shall be established in
3 conformity with any Federal law, regulations or executive orders
4 governing petroleum or other fuels allocation, and shall apply
5 only to petroleum products found to be in a substantial
6 shortage;

7 (3) measures to reduce the demand for or consumption of
8 gasoline; and

9 (4) other measures identified by the Governor in his
10 executive order proclaiming a state of emergency as necessary to
11 protect the public health, safety and welfare.

12 (c) The agency designated by the Governor to conduct
13 emergency measures may, during the period of the emergency,
14 adopt rules and regulations pursuant to section 204 of the act
15 of July 31, 1968 (P.L.769, No.240), referred to as the
16 Commonwealth Documents Law. Any regulation adopted during a
17 state of emergency shall be automatically rescinded upon the
18 expiration of the emergency.

19 (d) The Governor may designate a state agency to monitor
20 supplies and prices of petroleum products or other fuels
21 available for use in the Commonwealth to determine whether there
22 exists, or is likely to exist, an emergency shortage.

23 (1) In order to monitor supplies and prices of petroleum
24 products or other fuels, the agency [may require] shall have the
25 authority to subpoena recordkeeping and periodic reports from
26 petroleum suppliers or suppliers of other fuels. These reporting
27 and recordkeeping requirements shall, to the maximum extent
28 possible, employ Federally mandated reports and records, avoid
29 any unnecessary duplicative reporting or recordkeeping, and
30 minimize paperwork, recordkeeping and reporting requirements.

1 Upon certification to it of failure to obey any such subpoena,
2 the Commonwealth Court or any court of record of the
3 Commonwealth, may thereupon issue an order requiring the person
4 subpoenaed to obey the subpoena and produce records, reports and
5 documents relative to the matter in question. Any failure to
6 obey such order of the court may be punished by such court as a
7 contempt thereof.

8 (2) Reports filed and records maintained pursuant to this
9 subsection shall be deemed confidential.

10 (3) When a petroleum or other fuel supplier or a company
11 providing information to a petroleum or other fuel supplier
12 claims that the information requested by the agency is
13 confidential, proprietary, market or trade secret information,
14 or when the information is deemed confidential pursuant to this
15 section, the agency shall not disclose such information publicly
16 or to any other governmental agency unless the information is
17 aggregated as part of a statistical report in which the data and
18 individual companies supplying the data cannot be identified.

19 (4) No employe or appointee of the agency or other person
20 may release information from a petroleum product or other fuel
21 company that would enable data provided by or relating to
22 individual customers of the petroleum or other fuel company to
23 be identified as relating to or coming from the individual
24 customer. Any person disclosing such information in violation of
25 this section shall be guilty of a misdemeanor, shall be subject
26 to disciplinary action, including reprimand, suspension or
27 termination, and may be ordered to make restitution to any
28 injured or aggrieved party for losses or damages shown.

29 (5) In order to obtain information required pursuant to this
30 subsection, the agency designated by the Governor to monitor

1 supplies and prices of petroleum products or other fuels may
2 receive or share information from any other Commonwealth,
3 Federal or local agency: Provided, That the agency shall provide
4 the same confidentiality to information recovered as is provided
5 by the supplying agency.

6 Section 3. This act shall take effect immediately.