

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3098 Session of
1994

INTRODUCED BY STEELMAN, STURLA, HERSHEY, RICHARDSON, THOMAS,
KUKOVICH, COWELL, YOUNGBLOOD, BELARDI, D. R. WRIGHT, STAIRS,
BATTISTO, MANDERINO, LAUB, RUDY, JOSEPHS, ARGALL, FAJT,
MICOZZIE, HALUSKA, TIGUE, DeWEESE, LUCYK, MIHALICH, McCALL,
BELFANTI, MARKOSEK, MELIO, RUBLEY, KASUNIC AND J. TAYLOR,
OCTOBER 3, 1994

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 14, 1994

AN ACT

1 Amending the act of July 10, 1986 (P.L.1398, No.122), entitled
2 "An act establishing a special fund for moneys received by
3 the Commonwealth from resolution of oil overcharge matters;
4 designating certain low-income energy conservation and
5 assistance programs for funding from this special fund; and
6 making appropriations," further providing FOR DEFINITIONS AND <—
7 for the appropriation of funds; PROVIDING FOR THE ENERGY <—
8 CONSERVATION AND ASSISTANCE REVOLVING LOAN ACCOUNT; AND
9 FURTHER PROVIDING FOR ADMINISTRATION OF ENERGY CONSERVATION
10 PROGRAMS AND FOR LIMITED GRANTS FOR RESOURCE RECOVERY
11 PROJECTS.

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

14 SECTION 1. SECTION 3 OF THE ACT OF JULY 10, 1986 (P.L.1398, <—
15 NO.122), KNOWN AS THE ENERGY CONSERVATION AND ASSISTANCE ACT,
16 AMENDED JULY 9, 1987 (P.L.235, NO.42), IS AMENDED TO READ:
17 SECTION 3. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
19 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "ENERGY CONSERVATION AND ASSISTANCE PROGRAMS." INCLUDES ANY
2 OF THE FOLLOWING:

3 (1) THE PROGRAMS ESTABLISHED UNDER PART D OF TITLE III
4 OF THE ENERGY POLICY AND CONSERVATION ACT (PUBLIC LAW 94-163,
5 42 U.S.C. § 6321 ET SEQ.), PROVIDING FOR STATE ENERGY
6 CONSERVATION PROGRAMS.

7 (2) THE PROGRAMS ESTABLISHED UNDER PART G OF TITLE III
8 OF THE ENERGY POLICY AND CONSERVATION ACT, PROVIDING FOR
9 ENERGY CONSERVATION INVESTMENTS IN SCHOOLS AND HOSPITALS.

10 (3) THE PROGRAMS ESTABLISHED UNDER THE NATIONAL ENERGY
11 EXTENSION SERVICE ACT (PUBLIC LAW 95-39, 42 U.S.C. § 7001 ET
12 SEQ.), PROVIDING FOR, INTER ALIA, ENERGY CONSERVATION
13 OUTREACH PROGRAMS TO SMALL BUSINESSES AND INDIVIDUAL
14 CONSUMERS.

15 (4) THE PROGRAMS ESTABLISHED UNDER THE LOW-INCOME HOME
16 ENERGY ASSISTANCE ACT OF 1981 (PUBLIC LAW 97-35, 42 U.S.C. §
17 8621 ET SEQ.), PROVIDING FOR ENERGY ASSISTANCE AND
18 WEATHERIZATION ASSISTANCE TO LOW-INCOME HOUSEHOLDS.

19 (5) THE PROGRAMS ESTABLISHED UNDER PART A OF THE ENERGY
20 CONSERVATION IN EXISTING BUILDINGS ACT OF 1976 (PUBLIC LAW
21 94-385, 42 U.S.C. § 6851 ET SEQ.), ESTABLISHING THE LOW
22 INCOME WEATHERIZATION PROGRAM.

23 (6) THE PROGRAMS ESTABLISHED BY THE [GOVERNOR'S ENERGY
24 COUNCIL] PENNSYLVANIA ENERGY OFFICE WHICH PROMOTE ENERGY
25 CONSERVATION AND ENERGY DEVELOPMENT, IN COMPLIANCE WITH THE
26 TERMS AND CONDITIONS OF OIL OVERCHARGE SETTLEMENT AGREEMENTS,
27 OIL OVERCHARGE ORDERS ISSUED BY THE COURTS OR THE DEPARTMENT
28 OF ENERGY OR FUND DISTRIBUTION REQUIREMENTS OF THE DEPARTMENT
29 OF ENERGY.

30 "FUND." THE ENERGY CONSERVATION AND ASSISTANCE FUND

1 ESTABLISHED IN SECTION 4.

2 "HOUSEHOLD." ANY INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE
3 LIVING TOGETHER AS ONE ECONOMIC UNIT AND WHOSE RESIDENTIAL
4 ENERGY IS CUSTOMARILY PURCHASED IN COMMON OR WHO MAKE
5 UNDESIGNATED PAYMENTS FOR ENERGY AS PART OF A RENTAL PAYMENT. A
6 ROOMER AND BOARDER WHO IS RELATED TO ANY MEMBER OF THE APPLICANT
7 HOUSEHOLD IS CONSIDERED TO BE A MEMBER OF THE HOUSEHOLD.

8 Section 4. Section 4 of the act ~~of July 10, 1986~~ <—
9 ~~(P.L.1398, No.122), known as the Energy Conservation and~~
10 ~~Assistance Act,~~ is amended to read:

11 Section 4. Establishment of special fund.

12 (a) Establishment.--There is hereby created an Energy
13 Conservation and Assistance Fund. All funds made available to
14 the Commonwealth after December 1, 1985, due to resolution of
15 litigation or administrative proceedings brought by the United
16 States Department of Energy against the petroleum industry for
17 alleged violations of the Federal Petroleum Price and Allocation
18 Regulations shall be credited by the Treasury Department to this
19 fund. Interest earned by investment of moneys in this fund by
20 the Treasury Department shall also be credited by the Treasury
21 Department to this fund. All moneys remaining in any special
22 accounts for oil overcharge funds which are unexpended,
23 uncommitted and unencumbered as of June 30, 1986, shall lapse
24 and shall be transferred into the fund created by this section.

25 [No] Except as provided in subsection (b), no funds may be
26 expended from this fund, except by annual appropriation by the
27 General Assembly. At least 75% of the annual appropriations made
28 from the fund shall be for the supplemental programs established
29 in section 5.

30 (b) Limited executive authorization.--In fiscal years

1 beginning after June 30, 1994, the Governor is authorized,
2 through executive authorization, to allocate up to \$5,000,000
3 each fiscal year from the fund for the purposes of this act and
4 subject to the same such percentage limitations provided in this
5 act and by the Federal Government. Any funds in excess of this
6 \$5,000,000 annual maximum must be appropriated by the General
7 Assembly. Since the awards of money received by this fund are
8 decreasing and since significant amounts of money may not be
9 available from the fund unless a large award is received, it is
10 the intent of the General Assembly that the moneys in the fund
11 up to the \$5,000,000 limit be made available for the programs
12 authorized to receive these funds as expeditiously as possible.

13 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—
14 SECTION 4.1. ENERGY CONSERVATION AND ASSISTANCE REVOLVING LOAN
15 ACCOUNT.

16 (A) CREATION.--THERE IS HEREBY CREATED WITHIN THE ENERGY
17 CONSERVATION AND ASSISTANCE FUND A RESTRICTED ACCOUNT WHICH
18 SHALL BE KNOWN AS THE ENERGY CONSERVATION AND ASSISTANCE
19 REVOLVING LOAN ACCOUNT.

20 (B) OTHER DEPOSITS.--ALL PRINCIPAL REPAYMENTS AND INTEREST
21 ON PRINCIPAL SHALL BE DEPOSITED INTO THE RESTRICTED ACCOUNT.
22 CONTRIBUTIONS, FEES, FUNDS RECEIVED FROM OTHER SOURCES AND
23 SUBSEQUENT APPROPRIATIONS MAY BE DEPOSITED INTO THE RESTRICTED
24 ACCOUNT.

25 (C) APPROPRIATION.--ALL FUNDS IN THE RESTRICTED ACCOUNT ARE
26 HEREBY APPROPRIATED TO THE PENNSYLVANIA ENERGY OFFICE FOR THE
27 PURPOSE OF MAKING ENERGY CONSERVATION LOANS PURSUANT TO THE
28 PROVISIONS OF SECTION 7.

29 (D) RESTRICTION.--NONE OF THE FUNDS IN THE RESTRICTED
30 ACCOUNT MAY BE USED BY THE PENNSYLVANIA ENERGY OFFICE FOR

1 ADMINISTRATION OF THIS ACT.

2 (E) FUNDS.--NOT LESS THAN \$2,900,000 OF FUNDS APPROPRIATED
3 TO THE PENNSYLVANIA ENERGY OFFICE PURSUANT TO THE PROVISIONS OF
4 THE ACT OF MAY 28, 1993 (P.L.589, NO.1A), KNOWN AS THE GENERAL
5 APPROPRIATION ACT OF 1993, IS HEREBY TRANSFERRED TO AND SHALL BE
6 DEPOSITED INTO THE ENERGY CONSERVATION AND ASSISTANCE REVOLVING
7 LOAN ACCOUNT.

8 (F) LEGISLATIVE INTENT.--IT IS THE INTENT OF THIS SECTION
9 THAT THE RESTRICTED ACCOUNT SHALL OPERATE AS A REVOLVING LOAN
10 ACCOUNT WHEREBY ALL FUNDS SHALL BE APPLIED AND REAPPLIED TO THE
11 PURPOSES OF SECTION 7.

12 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM
13 "RESTRICTED ACCOUNT" MEANS THE ENERGY CONSERVATION AND
14 ASSISTANCE REVOLVING LOAN ACCOUNT CREATED IN SUBSECTION (A).

15 SECTION 4. SECTION 7(A) OF THE ACT, AMENDED JULY 9, 1987
16 (P.L.235, NO.42), IS AMENDED TO READ:
17 SECTION 7. ADMINISTRATION OF CERTAIN ENERGY CONSERVATION AND
18 ASSISTANCE PROGRAMS.

19 (A) [GOVERNOR'S ENERGY COUNCIL] PENNSYLVANIA ENERGY
20 OFFICE.--THE ENERGY CONSERVATION AND ASSISTANCE PROGRAMS SET
21 FORTH IN PARAGRAPHS (1), (2), (3) AND (6) OF THE DEFINITION OF
22 "ENERGY CONSERVATION AND ASSISTANCE PROGRAMS" IN SECTION 3 SHALL
23 BE ADMINISTERED BY THE [GOVERNOR'S ENERGY COUNCIL] PENNSYLVANIA
24 ENERGY OFFICE. THE [COUNCIL] PENNSYLVANIA ENERGY OFFICE SHALL
25 ESTABLISH REGULATIONS NECESSARY FOR ADMINISTERING THESE
26 PROGRAMS.

27 * * *

28 SECTION 5. SECTION 8.1(D) OF THE ACT, ADDED DECEMBER 12,
29 1986 (P.L.1583, NO.173), IS AMENDED TO READ:
30 SECTION 8.1. LIMITED GRANTS FOR RESOURCE RECOVERY PROJECTS.

1 * * *

2 (D) [GOVERNOR'S ENERGY COUNCIL] PENNSYLVANIA ENERGY
3 OFFICE.--IN ADMINISTERING THIS PROGRAM, THE DEPARTMENT OF
4 ENVIRONMENTAL RESOURCES SHALL COMPLY WITH SUCH PROCEDURES AND
5 RESTRICTIONS AND SUBMIT SUCH REPORTS AS MAY BE REQUIRED BY THE
6 [GOVERNOR'S ENERGY COUNCIL] PENNSYLVANIA ENERGY OFFICE IN ORDER
7 TO FULFILL ITS FEDERALLY MANDATED RESPONSIBILITIES REGARDING THE
8 STATE ENERGY CONSERVATION PLAN.

9 SECTION 6. THE AMENDMENT OR ADDITION OF SECTIONS 3, 4.1,
10 7(A) AND 8.1(D) OF THE ACT SHALL APPLY RETROACTIVELY TO JULY 1,
11 1994.

12 Section ~~2~~ 7. This act shall take effect immediately.

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