

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 296 Session of
2003

INTRODUCED BY GEORGE, BARD, BEBKO-JONES, BELFANTI, BROWNE, COY,
CURRY, DALEY, DeLUCA, DeWEESE, EACHUS, FREEMAN, GRUCELA,
HARHAI, HORSEY, HUTCHINSON, JAMES, JOSEPHS, LAUGHLIN,
LESCOVITZ, LEVDANSKY, MELIO, PALLONE, PISTELLA, PRESTON,
RUBLEY, RUFFING, SAINATO, SHANER, SOLOBAY, STABACK, SURRA,
TANGRETTI, THOMAS, TIGUE, WALKO, YOUNGBLOOD, KOTIK, LEACH,
GOODMAN AND YUDICHAK, FEBRUARY 18, 2003

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED,
NOVEMBER 17, 2004

AN ACT

1 ~~Establishing the Pennsylvania Energy Office and Advisory~~ <—
2 ~~Council; imposing duties on the Pennsylvania Energy Office;~~
3 ~~establishing the Emergency Energy Assistance Grant Account;~~
4 ~~and providing for allocation from the utilities' gross~~
5 ~~receipts tax.~~

6 MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC WELFARE FOR <—
7 EMERGENCY ENERGY ASSISTANCE.

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

10 ~~Section 1. Short title.~~ <—

11 ~~This act shall be known and may be cited as the Pennsylvania~~
12 ~~Energy Office Act.~~

13 ~~Section 2. Definitions.~~

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

17 ~~"Account." The Emergency Energy Assistance Grant Account~~

1 ~~established under section 7.~~

2 ~~"Office." The Pennsylvania Energy Office established under~~
3 ~~section 3.~~

4 ~~Section 3. Pennsylvania Energy Office.~~

5 ~~The Pennsylvania Energy Office is established in the~~
6 ~~Governor's Office to promote the goals of energy development and~~
7 ~~energy conservation.~~

8 ~~Section 4. Composition of office.~~

9 ~~The Governor shall designate an executive director and hire~~
10 ~~the staff of the office in accordance with procedures of the~~
11 ~~Governor's Office of Administration and of the Office of the~~
12 ~~Budget.~~

13 ~~Section 5. Advisory Council.~~

14 ~~The Advisory Council is established. The Governor shall~~
15 ~~appoint persons to the council who shall be members of the~~
16 ~~General Assembly, the business and transportation community of~~
17 ~~this Commonwealth, public officials and the general public. The~~
18 ~~purpose of the council is to provide advice and assistance to~~
19 ~~the office on matters affecting the State's energy situation.~~
20 ~~The members shall be reimbursed for the expense of participating~~
21 ~~in council functions.~~

22 ~~Section 6. Powers and duties of office.~~

23 ~~The powers and duties of the office are as follows:~~

24 ~~(1) To promote the development of this Commonwealth's~~
25 ~~indigenous and renewable energy resources through programs~~
26 ~~involving information and technical and financial assistance.~~

27 ~~(2) To promote the efficient use of energy by the State~~
28 ~~government and all sectors of this Commonwealth. Working with~~
29 ~~the Governor's Green Government Council, the office will~~
30 ~~encourage energy efficiency and conservation through programs~~

1 ~~providing information and technical and financial assistance.~~
2 ~~The office will also work with the Pennsylvania Public~~
3 ~~Utility Commission to develop specific programs to promote~~
4 ~~energy efficiency for commercial, industrial and residential~~
5 ~~consumers of deregulated utilities, such as natural gas and~~
6 ~~electricity.~~

7 ~~(3) To be the point of contact for private and~~
8 ~~government energy matters and the lead Commonwealth agency~~
9 ~~for energy policy development. The office will regularly~~
10 ~~update the Commonwealth's energy policy to determine new~~
11 ~~opportunities for energy development and energy conservation.~~

12 ~~(4) To be the primary manager and coordinator of Federal~~
13 ~~energy grants, petroleum overcharge funds and private energy~~
14 ~~grants.~~

15 ~~(5) To assist in the review of energy related plans,~~
16 ~~programs, policies and regulations of other Commonwealth~~
17 ~~agencies and to provide recommendations to further promote~~
18 ~~energy development and energy conservation. The office is~~
19 ~~authorized to intervene in energy related proceedings of the~~
20 ~~Pennsylvania Public Utility Commission and other Federal or~~
21 ~~State regulatory agencies.~~

22 ~~(6) To monitor prices of petroleum and supplies of~~
23 ~~petroleum products available for use in this Commonwealth to~~
24 ~~determine whether there exists or is likely to exist an~~
25 ~~emergency shortage under section 2802 C(d) of the act of~~
26 ~~April 9, 1929 (P.L.177, No.175), known as The Administrative~~
27 ~~Code of 1929, and to conduct emergency allocation measures~~
28 ~~during a period of declared emergency petroleum product~~
29 ~~shortage under section 2802 C of The Administrative Code of~~
30 ~~1929. The office will also monitor the price and supply of~~

~~energy to provide information to the Governor on the changing impact of energy prices on the Commonwealth's economy.~~

~~(7) To assume the responsibilities assigned to the Department of Environmental Protection under the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, which had been assigned to the Pennsylvania Energy Office under prior statutes, regulations and executive orders, including the administration of the funds transferred to the department under section 507 of that act.~~

~~(8) To promote the establishment of a regional strategic heating oil and diesel fuel reserve in the mid Atlantic states and other programs that ensure that energy shortages or price surges do not harm the Commonwealth's economy.~~

~~(9) To provide grants to nonprofit entities, municipal authorities, political subdivisions and corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to help provide emergency energy assistance or weatherization to residents of this Commonwealth.~~

~~Section 7. Emergency Energy Assistance Grant Account.~~

~~(a) Establishment. There is hereby established a separate account in the State Treasury to be known as the Emergency Energy Assistance Grant Account. The moneys of the account are hereby appropriated to the Pennsylvania Energy Office to carry out the provisions of this section. The account shall be administered by the office. The account shall consist of that portion of revenues collected under the utilities gross receipts tax collected as set forth in section 8.~~

~~(b) Expenditures. Moneys from the fund shall be expended by~~

~~the office as grants to nonprofit entities, municipal
authorities, political subdivisions and corporations, limited
liability companies or partnerships incorporated or registered
in this Commonwealth to help provide emergency energy assistance
or weatherization to residents of this Commonwealth.~~

~~Section 8. Allocation from utilities' gross receipts tax.~~

~~An amount equal to 0.25 mills of the utilities' gross
receipts tax collected during each fiscal year under Article XI
of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
Reform Code of 1971, shall be transferred to the account for the
purpose of carrying out the provisions of this act.~~

~~Section 9. Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 1. APPROPRIATION.

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AN AMOUNT EQUAL TO 0.25 MILLS OF THE UTILITIES' GROSS
RECEIPTS TAX COLLECTED DURING EACH FISCAL YEAR UNDER ARTICLE XI
OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
REFORM CODE OF 1971, SHALL BE APPROPRIATED ANNUALLY FROM THE
GENERAL FUND TO THE DEPARTMENT OF PUBLIC WELFARE FOR STATE-
FUNDED EMERGENCY ENERGY ASSISTANCE IF THE GOVERNOR DECLARES THAT
WEATHER CONDITIONS, NATURAL OR MAN-MADE DISASTERS OR HIGH ENERGY
PRICES, OR A COMBINATION THEREOF, ARE A THREAT TO PUBLIC HEALTH
WITHIN THIS COMMONWEALTH AND AVAILABLE FEDERAL HOME ENERGY
ASSISTANCE FUNDS ARE NOT SUFFICIENT TO MEET THIS NEED. THE
GOVERNOR SHALL PUBLISH THIS EMERGENCY DECLARATION IN THE
PENNSYLVANIA BULLETIN ALONG WITH THE CRITERIA AND EMERGENCY
REGULATIONS FOR THIS PROGRAM.

SECTION 2. EFFECTIVE DATE.

THIS ACT SHALL TAKE EFFECT IMMEDIATELY.