
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1

Special Session No. 1 of
2007-2008

INTRODUCED BY DePASQUALE, BELFANTI, BENNINGTON, CALTAGIRONE,
DALEY, EACHUS, FRANKEL, FREEMAN, GEIST, GEORGE, KESSLER,
KORTZ, McCALL, McGEEHAN, McILVAINE SMITH, M. O'BRIEN,
PASHINSKI, SIPTROTH, SURRA, VITALI, YUDICHAK, PARKER,
WOJNAROSKI, JOSEPHS, WALKO, YOUNGBLOOD, HORNAMAN, MANDERINO,
MELIO, SCAVELLO AND K. SMITH, NOVEMBER 15, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 3, 2008

AN ACT

1 ~~Amending Title 64 (Public Authorities and Quasi Public~~ <—
2 ~~Corporations) of the Pennsylvania Consolidated Statutes, in~~
3 ~~Commonwealth Financing Authority, further providing for~~
4 ~~indebtedness; establishing the Clean Energy Program;~~
5 ~~consolidating provisions of The Administrative Code of 1929~~
6 ~~relating to the Energy Development Authority and emergency~~
7 ~~powers; further providing for board directors, meetings and~~
8 ~~quorum, for the powers of the Pennsylvania Energy Development~~
9 ~~Authority and for authority indebtedness; and making a~~
10 ~~related repeal.~~

11 PROVIDING FOR ALTERNATIVE SOURCES OF ENERGY; ESTABLISHING THE <—
12 ALTERNATIVE ENERGY DEVELOPMENT PROGRAM, THE CONSUMER ENERGY
13 PROGRAM, THE HOME ENERGY EFFICIENCY LOAN PROGRAM, THE HOME
14 ENERGY EFFICIENCY LOAN FUND AND THE ALTERNATIVE ENERGY
15 PRODUCTION TAX CREDIT PROGRAM; AND PROVIDING FOR THE POWERS
16 AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

19 ~~Section 1. Section 1543(b) and (d) of Title 64 of the~~ <—
20 ~~Pennsylvania Consolidated Statutes are amended by adding~~
21 ~~paragraphs to read:~~

1 ~~§ 1543. Indebtedness.~~

2 * * *

3 ~~(b) Program limitations. Indebtedness incurred by the~~
4 ~~authority under subsection (a) shall not, in aggregate, exceed~~
5 ~~any of the following:~~

6 * * *

7 ~~(9) \$250,000,000 for the programs established in section~~
8 ~~1559 (relating to Clean Energy Program).~~

9 ~~(10) \$600,000,000 for the programs established in~~
10 ~~section 1806(21) (relating to powers and duties).~~

11 * * *

12 ~~(d) Exception. Subsection (c) shall not apply to the~~
13 ~~aggregate amount of indebtedness incurred by the authority,~~
14 ~~including through the issuance of bonds, for the following~~
15 ~~programs:~~

16 * * *

17 ~~(4) The programs established in section 1559.~~

18 ~~(5) The programs established in section 1806(21).~~

19 * * *

20 ~~Section 2. Title 64 is amended by adding a section to read:~~
21 ~~§ 1559. Clean Energy Program.~~

22 ~~(a) Establishment. There is hereby established a program to~~
23 ~~be known as the Clean Energy Program, and the program shall~~
24 ~~provide financial assistance for the preparation of sites~~
25 ~~located within this Commonwealth for future development.~~

26 ~~(b) Funding. An amount not to exceed \$20,000,000 of the~~
27 ~~gross receipts collected during each fiscal year under Article~~
28 ~~XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax~~
29 ~~Reform Code of 1971, shall be annually appropriated from the~~
30 ~~General Fund to the authority for the program established in~~

1 ~~this section.~~

2 ~~(c) Uses of funds by authority. With respect to funding~~
3 ~~under subsection (b), the authority shall have the powers and~~
4 ~~duties to fulfill the obligations of a bond for alternative~~
5 ~~energy projects, including, but not limited to, funding for~~
6 ~~alternative and renewable energy projects, such as:~~

7 ~~(1) An amount up to 20% of the revenues transferred to~~
8 ~~the authority, but no more than \$50,000,000 to provide loans~~
9 ~~to venture capital partnerships. The funds designated for~~
10 ~~this purpose shall be transferred to the New Pennsylvania~~
11 ~~Venture Capital Investment Program under section 1557~~
12 ~~(relating to New Pennsylvania Venture Capital Investment~~
13 ~~Program).~~

14 ~~(2) An amount up to 20% of the revenues transferred to~~
15 ~~the authority, but no more than \$50,000,000 to provide grants~~
16 ~~and loans for working capital, equipment acquisition,~~
17 ~~construction and site preparation.~~

18 ~~(3) An amount up to 60% of the revenues transferred to~~
19 ~~the authority, but no more than \$150,000,000 to provide~~
20 ~~grants and loans to businesses and municipalities, municipal~~
21 ~~authorities, redevelopment authorities and industrial~~
22 ~~development agencies for infrastructure preparation and~~
23 ~~development of high efficient advanced energy business sites.~~

24 ~~(d) Policy. In exercising its powers and duties under~~
25 ~~subsection (a), the authority shall:~~

26 ~~(1) Promote the diversification of energy generation by~~
27 ~~supporting a broad cross section of clean energy~~
28 ~~technologies.~~

29 ~~(2) Encourage the deployment of distributed generation~~
30 ~~projects for public infrastructure around this Commonwealth.~~

1 ~~(3) Consider the economic development potential of each~~
2 ~~proposed project as it fits into the larger context of this~~
3 ~~Commonwealth's advanced energy market.~~

4 ~~(4) Establish the goal of expanding the market for clean~~
5 ~~energy technologies, services and fuels. In pursuit of this~~
6 ~~goal, the authority shall emphasize the following investment~~
7 ~~priorities:~~

8 ~~(i) Attracting or expanding clean energy~~
9 ~~manufacturing operations in this Commonwealth.~~

10 ~~(ii) Deployment of clean energy projects at~~
11 ~~manufacturing facilities to enhance their~~
12 ~~competitiveness.~~

13 ~~For purposes of this subsection, "clean energy" shall~~
14 ~~mean alternative energy sources as defined in the act of~~
15 ~~November 30, 2004 (P.L.1672, No.213), known as the~~
16 ~~Alternative Energy Portfolio Standards Act, and~~
17 ~~alternative fuels, including those defined in the act of~~
18 ~~November 29, 2004 (P.L.1376, No.178), known as the~~
19 ~~Alternative Fuels Incentive Act.~~

20 ~~(5) Bring the most flexibility possible to the design of~~
21 ~~its financing vehicles and to the focus of its solicitations.~~
22 ~~Financing vehicles such as loan guarantees, insurance~~
23 ~~products and flex loans, which can have delayed repayment~~
24 ~~schedules or very low interest rates, may be utilized in~~
25 ~~addition to traditional financing for some types of projects.~~
26 ~~The authority shall emphasize flexibility in its~~
27 ~~solicitations, which may be broadly targeted to the general~~
28 ~~advanced energy community or narrowly targeted toward~~
29 ~~specific areas where market gaps exist.~~

30 ~~(6) Seek to leverage its capital to the maximum extent~~

~~possible. The authority may work with the investment and developer community to leverage its funds by requiring significant matching funds for all projects except in rare circumstances and, when allowable, by investing in projects that are likely to yield significant returns. The authority shall consider ways to manage and increase its own funding, including exploration of a variety of potential avenues, including, but not limited to, Federal grants, private foundation grants and legislative appropriations.~~

~~(7) Require, except in rare circumstances, all projects to demonstrate that they have obtained significant matching funds, including, but not limited to, funds from Federal, State, local or private sources.~~

~~(8) Evaluate a proposed project to ascertain whether the project has sufficient funding to enable project completion.~~

~~(9) When considering loans or loan guarantees, thoroughly evaluate, in partnership with the department, the credit of all borrowers and ensure that all financing is awarded to borrowers who evidence a reasonable likelihood of being able to repay the loans.~~

~~(c) Evaluation criteria. In addition to specific criteria developed by the authority, the following general criteria shall be considered by the authority for all deployment projects:~~

~~(1) Potential to expand the market for the indigenous energy resources of this Commonwealth.~~

~~(2) Potential to enhance this Commonwealth's energy security and diversity.~~

~~(3) Ability to demonstrate significant environmental benefits.~~

~~(4) Potential to either promote energy conservation or~~

1 ~~to increase energy production from alternative energy~~
2 ~~sources.~~

3 ~~(5) Potential economic benefits for the Commonwealth,~~
4 ~~which may be in the form of job creation, new investment,~~
5 ~~savings to consumers or revenue generation for other~~
6 ~~beneficiaries, such as farmers, local governments or other~~
7 ~~landowners.~~

8 ~~(6) Technical feasibility and cost effectiveness of the~~
9 ~~project.~~

10 Section 3. Title 64 is amended by adding a chapter to read:

11 ~~CHAPTER 18~~

12 ~~ENERGY DEVELOPMENT AUTHORITY AND EMERGENCY POWERS~~

13 ~~Sec.~~

14 ~~1801. Definitions.~~

15 ~~1802. Emergency petroleum product shortages.~~

16 ~~1803. Energy Development Authority.~~

17 ~~1804. Technical and financial support.~~

18 ~~1805. Annual report.~~

19 ~~1806. Powers and duties.~~

20 ~~1807. Authority indebtedness.~~

21 ~~1808. Financial assistance.~~

22 ~~1809. Energy development plan.~~

23 ~~1810. Exemption from taxation.~~

24 ~~1811. Funding of authority.~~

25 ~~1812. Limitation of powers.~~

26 ~~1813. Audit.~~

27 ~~§ 1801. Definitions.~~

28 ~~The following words and phrases when used in this chapter~~
29 ~~shall have the meanings given to them in this section unless the~~
30 ~~context clearly indicates otherwise:~~

1 ~~"Authority."— The Energy Development Authority established in~~
2 ~~section 1803 (relating to Energy Development Authority).~~

3 ~~"Board."— The board of directors of the Energy Development~~
4 ~~Authority.~~

5 ~~"Bonds."— Notes, bonds, refunding or renewal notes and bonds~~
6 ~~and other evidence of indebtedness or obligations which the~~
7 ~~Energy Development Authority is authorized to issue.~~

8 ~~"Cost."— The expense of construction and the expense of~~
9 ~~acquisition of all structures, lands and other property rights~~
10 ~~and interests in land necessary to a project. The term also~~
11 ~~includes the expense of demolishing, removing or relocating any~~
12 ~~buildings or structures on lands acquired or to be acquired,~~
13 ~~including the following:~~

14 ~~(1) the expense of acquiring any lands to which the~~
15 ~~buildings or structures may be moved or relocated;~~

16 ~~(2) sewage treatment, waste treatment and pollution~~
17 ~~control facilities;~~

18 ~~(3) railroad sidings, spurs or branch lines;~~

19 ~~(4) all labor, materials, machinery and equipment and~~
20 ~~fixtures;~~

21 ~~(5) financing charges;~~

22 ~~(6) interest on all bonds prior to and during~~
23 ~~construction and for a period of one year thereafter;~~

24 ~~(7) engineering, financial and legal services;~~

25 ~~(8) plans, specifications, studies, surveys necessary or~~
26 ~~incidental to determining the feasibility or practicability~~
27 ~~of constructing a project;~~

28 ~~(9) administrative expenses;~~

29 ~~(10) reserves for interest and for extension,~~
30 ~~enlargements, additions and improvements; and~~

~~(11) such other expenses as may be necessary or incidental to the construction of the project and the placing of the same in operation.~~

~~"Department."—The Department of Community and Economic Development of the Commonwealth.~~

~~"High performance building."—A building which is designed to achieve integrated systems of design and construction so as to significantly reduce or eliminate the negative impact of the built environment.~~

~~"Person."—A natural person, corporation, partnership, association or municipality of this Commonwealth and any public corporation, authority or body whatsoever.~~

~~"Petroleum product."—Motor gasoline, kerosene, distillates, including Number 2 fuel oil, and diesel fuel.~~

~~"Pollution control technology project."—The acquisition, construction or installation of pollution control technology and equipment that enables an electric generating unit or cogeneration unit to meet any of the following requirements:~~

~~(1) Mercury emission reductions under 25 Pa. Code Ch. 123 (relating to standards for contaminants).~~

~~(2) The regulations adopted by the United States Environmental Protection Agency known as the Clean Air Mercury Rule codified at 40 CFR Pts. 60 (relating to standards of performance for new stationary sources), 72 (relating to permits regulation) and 75 (relating to continuous emission monitoring).~~

~~(3) Nitrogen oxides and sulfur dioxide emission reduction under 25 Pa. Code Chs. 121 (relating to general provisions), 129 (relating to standards for sources) and 145 (relating to interstate pollution transport reduction).~~

1 ~~(4) The Clean Air Interstate Rule in 40 CFR (relating to~~
2 ~~protection of environment).~~

3 ~~"Project." An activity entirely or largely conducted in this~~
4 ~~Commonwealth which cannot be effectively funded using privately~~
5 ~~available resources, relating to:~~

6 ~~(1) basic and applied research concerning energy use,~~
7 ~~renewable energy resources and energy extraction,~~
8 ~~transmission, storage or conversion;~~

9 ~~(2) limited scale demonstration of innovative or~~
10 ~~commercially unproven technology to promote the production,~~
11 ~~use or conservation of energy;~~

12 ~~(3) activities to promote or remove obstacles to the~~
13 ~~utilization and transportation of Pennsylvania energy~~
14 ~~resources, including, but not limited to, limited scale~~
15 ~~synthetic fuel facilities and the conversion or technological~~
16 ~~improvement of industrial, commercial or agricultural systems~~
17 ~~to utilize Pennsylvania coal or renewable energy resources,~~
18 ~~except that the facility shall not unreasonably interfere~~
19 ~~with private waste recycling industries;~~

20 ~~(4) activities designed to further development or~~
21 ~~deployment of:~~

22 ~~(i) alternative energy sources, including those~~
23 ~~defined in the act of November 30, 2004 (P.L.1672,~~
24 ~~No.213), known as the Alternative Energy Portfolio~~
25 ~~Standards Act;~~

26 ~~(ii) alternative fuels, including those defined in~~
27 ~~the act of November 29, 2004 (P.L.1376, No.178), known as~~
28 ~~the Alternative Fuels Incentive Act;~~

29 ~~(iii) energy efficiency technology; and~~

30 ~~(iv) energy conservation measures.~~

~~(5) Activities designed to improve the energy efficiency of large scale industrial production facilities.~~

~~§ 1802. Emergency petroleum product shortages.~~

~~(a) General rule. The Governor may, by executive order, proclaim a state of emergency based upon a finding that there impends or exists a substantial shortage of petroleum products available for use in this Commonwealth which poses a serious threat to the health, safety or welfare of the public. A state of emergency shall remain in effect for the maximum period of 90 days and may be extended by the Governor unless the extension is disapproved by concurrent resolution adopted by both houses of the General Assembly. A state of emergency may be declared for all or any portion of this Commonwealth.~~

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

~~(1) the administration of any emergency allocation powers delegated to the Commonwealth by the President or any Federal agency;~~

~~(2) the implementation of a set aside program, for not more than 1% of the petroleum products available for use in this Commonwealth, to alleviate hardship or meet emergency needs. A set aside program shall be established in conformity with any Federal law, regulations or executive orders governing petroleum allocation and shall apply only to petroleum products found to be in a substantial shortage;~~

~~(3) measures to reduce demand for or consumption of gasoline; and~~

~~(4) other measures identified by the Governor in an~~

~~executive order proclaiming a state of emergency as necessary to protect the public health, safety and welfare.~~

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

~~(d) Monitoring. The Governor may designate a State agency to monitor supplies of petroleum products available for use in this Commonwealth to determine whether there exists, or is likely to exist, a shortage.~~

~~(1) In order to monitor supplies of petroleum products, the agency may require recordkeeping and periodic reports from petroleum suppliers which shall, to the maximum extent possible, employ federally mandated reports and records, avoid duplicative reporting and recordkeeping and minimize paperwork, recordkeeping and reporting requirements.~~

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

~~(3) When a petroleum supplier or a company providing information to a petroleum supplier claims that the information requested by the agency is confidential, proprietary, market or trade secret information or when the information is deemed confidential pursuant to this section, the agency shall not disclose the information publicly or to any other governmental agency unless the information is aggregated as part of a statistical report in which the data and individual companies supplying the data cannot be~~

1 ~~identified.~~

2 ~~(4) No employee or appointee of the agency or any other~~
3 ~~person may release information from a petroleum product~~
4 ~~company that would enable data provided by or relating to~~
5 ~~individual customers of the petroleum company to be~~
6 ~~identified as relating to or coming from the individual~~
7 ~~customer. Any person disclosing the information in violation~~
8 ~~of this section commits a misdemeanor of the third degree,~~
9 ~~shall be subject to disciplinary action, including reprimand,~~
10 ~~suspension or termination, and may be ordered to make~~
11 ~~restitution to any injured or aggrieved party for losses or~~
12 ~~damages shown.~~

13 ~~(5) In order to obtain information required pursuant to~~
14 ~~this subsection, the agency designated by the Governor to~~
15 ~~monitor supplies of petroleum products may receive or share~~
16 ~~information from any other Federal, State or local agency.~~
17 ~~The agency shall provide the same confidentiality to~~
18 ~~information recovered as is provided by the supplying agency.~~

19 ~~§ 1803. Energy Development Authority.~~

20 ~~(a) Establishment. There is established the Energy~~
21 ~~Development Authority.~~

22 ~~(b) Board of directors. The authority shall be governed and~~
23 ~~all of its corporate powers exercised by a board of directors~~
24 ~~which shall be composed of the following individuals:~~

25 ~~(1) The Secretary of Environmental Protection or a~~
26 ~~designee.~~

27 ~~(2) The Secretary of Banking or a designee.~~

28 ~~(3) The Secretary of Community and Economic Development~~
29 ~~or a designee.~~

30 ~~(4) The Secretary of Agriculture or a designee.~~

~~(5) Four legislative appointees.~~

~~(i) Appointments are as follows:~~

~~(A) One individual appointed by the President
pro tempore of the Senate.~~

~~(B) One individual appointed by the Minority
Leader of the Senate.~~

~~(C) One individual appointed by the Majority
Leader of the House of Representatives.~~

~~(D) One individual appointed by the Minority
Leader of the House of Representatives.~~

~~(ii) Legislative appointees shall serve at the
pleasure of the appointing authority.~~

~~(iii) An individual appointed to the board pursuant
to subparagraph (i) may not be a member of the General
Assembly or staff of a member of the General Assembly.~~

~~(c) Organization. The Governor shall select a member of the
board to serve as chairperson. The members shall select from
among themselves such officers as they shall determine.~~

~~(d) Compensation. Members of the board of directors shall
be entitled to no compensation for their services as members but
shall be entitled to reimbursement for all necessary expenses
incurred in connection with the performance of their duties as
members.~~

~~(e) Meetings and quorum. The board of directors shall
provide for the holding of regular and special meetings. The
consent of at least five directors, with at least four of the
consenting directors being appointed under subsection (b)(5),
shall be required to adopt any action on behalf of the
authority.~~

~~§ 1804. Technical and financial support.~~

1 ~~(a) General rule. The Governor shall designate a State~~
2 ~~agency to provide staff services to the authority for its~~
3 ~~administration of this chapter, including technical services to~~
4 ~~assist the authority in carrying out the provisions of this~~
5 ~~chapter.~~

6 ~~(b) Personnel and services. The authority may utilize~~
7 ~~personnel and services from any departments, agencies or other~~
8 ~~authorities of the Commonwealth whose facilities and services~~
9 ~~may be useful to the authority for implementation of this~~
10 ~~chapter upon approval of the departments, agencies or~~
11 ~~authorities.~~

12 ~~(c) Reimbursement. The authority may make reimbursement to~~
13 ~~an agency, department or authority of the Commonwealth for~~
14 ~~expenses incurred in providing services or use of facilities~~
15 ~~acquired by the authority.~~

16 ~~(d) Construction. Notwithstanding 66 Pa.C.S. § 511~~
17 ~~(relating to disposition, appropriation and disbursement of~~
18 ~~assessments and fees) or any other law of this Commonwealth, no~~
19 ~~funds received as reimbursement under this section shall be~~
20 ~~deemed to be in substitution for funds from another source, nor~~
21 ~~shall the funds reduce assessments to any utility. No funds~~
22 ~~shall lapse at termination of a fiscal year, nor shall the funds~~
23 ~~reduce any assessment by the Pennsylvania Public Utility~~
24 ~~Commission in any fiscal year.~~

25 ~~§ 1805. Annual report.~~

26 ~~The board shall make an annual report of the activities of~~
27 ~~the authority for the preceding fiscal year, not later than 120~~
28 ~~days after the conclusion of the fiscal year, to the Governor~~
29 ~~and General Assembly. Each report shall contain a statement of~~
30 ~~activities and a complete operating and financial statement~~

1 ~~covering the operations of the authority.~~

2 ~~§ 1806. Powers and duties.~~

3 ~~The authority, as a public corporation and governmental~~
4 ~~instrumentality exercising public powers of the Commonwealth, is~~
5 ~~granted, shall have and may exercise all powers necessary or~~
6 ~~appropriate to carry out and effectuate the purposes of this~~
7 ~~chapter, including, but not limited to, the power:~~

8 ~~(1) To conduct examinations and investigations and take~~
9 ~~testimony under oath or affirmation at public or private~~
10 ~~hearings on matters material for its information and~~
11 ~~necessary to determination and approval of energy development~~
12 ~~project loan applications.~~

13 ~~(2) To have existence until its existence shall be~~
14 ~~terminated by law.~~

15 ~~(3) To sue and be sued, implead and be impleaded,~~
16 ~~complain and defend in all courts.~~

17 ~~(4) To adopt, use and alter at will a corporate seal.~~

18 ~~(5) To make bylaws for management and regulation of its~~
19 ~~affairs and make, amend and repeal rules and regulations~~
20 ~~governing the business of the authority.~~

21 ~~(6) To seek technical determinations on project~~
22 ~~applications.~~

23 ~~(7) To make contracts of every name and nature and~~
24 ~~execute all instruments necessary or convenient for the~~
25 ~~carrying on of its business.~~

26 ~~(8) To accept grants from and enter into contracts or~~
27 ~~other transactions with Federal agencies.~~

28 ~~(9) To take title by foreclosure or otherwise to a~~
29 ~~project or other property pledged, mortgaged, encumbered or~~
30 ~~otherwise available as security for a project financed in~~

1 ~~whole or in part by the authority, whether by loan, loan~~
2 ~~guarantee or otherwise where acquisition is necessary to~~
3 ~~protect the interests of the authority regarding a project,~~
4 ~~to pay costs arising out of the acquisition from money held~~
5 ~~in the Energy Development Fund and to sell, transfer and~~
6 ~~convey all or any portion of a project to a responsible~~
7 ~~buyer.~~

8 ~~(10) To purchase and make payments of mortgages on any~~
9 ~~project where the purchase or payment is necessary to protect~~
10 ~~a loan or loan guarantee previously made by the authority and~~
11 ~~to sell, transfer, convey or assign any such mortgage. Money~~
12 ~~so used by the authority in the purchase of any mortgage, or~~
13 ~~any payments thereon, shall be withdrawn from the Energy~~
14 ~~Development Fund, and money derived from the sale of any~~
15 ~~mortgages shall be deposited by the authority in the fund.~~

16 ~~(11) To lease, lease with an option to purchase, sell by~~
17 ~~installment sale or otherwise, or otherwise dispose of any or~~
18 ~~all of its projects, for the rentals or amounts and upon such~~
19 ~~terms and conditions as the authority deems proper.~~

20 ~~(12) To finance projects by making loans to persons to~~
21 ~~provide funds for project costs.~~

22 ~~(13) To guarantee loans of money made to persons, upon~~
23 ~~the terms and conditions which the authority may prescribe,~~
24 ~~relating to projects.~~

25 ~~(14) To make grants to fund projects.~~

26 ~~(15) To collect fees and charges determined to be~~
27 ~~reasonable as to activities undertaken in furtherance of the~~
28 ~~purposes of this chapter.~~

29 ~~(16) To borrow money for the operation and work of the~~
30 ~~authority by making notes and issuing bonds under the~~

1 ~~provisions of this chapter.~~

2 ~~(17) To pledge, hypothecate or otherwise encumber~~
3 ~~revenues or receipts of the authority as security for bonds~~
4 ~~of the authority.~~

5 ~~(18) To receive appropriations and apply for and accept~~
6 ~~grants, gifts, donations, bequests and settlements from a~~
7 ~~public or private source. Money received by the authority~~
8 ~~shall be deposited in the Energy Development Fund and used~~
9 ~~for the purposes of the authority.~~

10 ~~(19) To promote and facilitate the sale through this~~
11 ~~Commonwealth of alternative energy credits as defined in the~~
12 ~~act of November 30, 2004 (P.L.1672, No.213), known as the~~
13 ~~Alternative Energy Portfolio Standards Act. This paragraph~~
14 ~~shall not be construed as conferring on the Commonwealth the~~
15 ~~authority to purchase, acquire or sell alternative energy~~
16 ~~credits.~~

17 ~~(20) To establish rebate and incentive programs to help~~
18 ~~defray the costs to persons associated with the purchase,~~
19 ~~manufacture or distribution of products used to generate~~
20 ~~alternative energy or employing energy efficient technology.~~

21 ~~(21) To enter into agreements with the department and~~
22 ~~the Ben Franklin Technology Development Authority to provide~~
23 ~~for the transfer of funds from the Energy Development Fund or~~
24 ~~other funds under the control of the authority, to be used~~
25 ~~for energy related activities and to fulfill the obligations~~
26 ~~of a bond for alternative energy projects, including:~~

27 ~~(i) An amount up to 9% of the revenues in the fund,~~
28 ~~but no more than \$56,000,000 to the Ben Franklin~~
29 ~~Technology Development Authority to support early stage~~
30 ~~activities, including incubator support services,~~

1 ~~management support, translational research activities and~~
2 ~~early stage capital. The funds designated for these~~
3 ~~purposes shall be allocated to the Ben Franklin~~
4 ~~Technology Partners. Funding shall be subject to the~~
5 ~~guidelines established by the Ben Franklin Technology~~
6 ~~Development Authority. The guidelines shall be posted on~~
7 ~~its official Internet website.~~

8 ~~(ii) An amount up to 8% of the revenues in the fund,~~
9 ~~but not more than \$44,000,000 to create a rebate program~~
10 ~~to lower the retail price of new energy efficient~~
11 ~~appliances and for a loan program to provide financing~~
12 ~~for energy efficient home improvements. An amount not to~~
13 ~~exceed \$5,000,000 shall be allocated to the Treasury~~
14 ~~Department to establish a loan program, to be known as~~
15 ~~the Keystone HELP Program, as a revolving loan program~~
16 ~~offering financing for energy efficient appliances and~~
17 ~~other energy efficiency measures to homeowners occupying~~
18 ~~their homes in all customer classes. The funds designated~~
19 ~~for these purposes shall be limited to use as loan loss~~
20 ~~reserve funds and to offer loans to low income homeowners~~
21 ~~occupying their homes at rates lower than those offered~~
22 ~~to other customer classes.~~

23 ~~(iii) An amount up to 33% of the revenues in the~~
24 ~~fund, but not more than \$200,000,000 toward rebates and~~
25 ~~grants for solar photovoltaic, other solar electric or~~
26 ~~solar thermal projects and toward production incentives~~
27 ~~to encourage the establishment or expansion of solar~~
28 ~~manufacturing operations in this Commonwealth. Not less~~
29 ~~than 65% of the total funding under this subsection shall~~
30 ~~be used for rebates and grants for solar photovoltaic,~~

~~other solar electric or solar thermal projects. Projects installing solar equipment manufactured in this Commonwealth are eligible for rebates and grants up to 15% greater than comparable projects installing equipment manufactured outside this Commonwealth.~~

~~(iv) An amount up to 45% of the revenues in the fund, but no more than \$270,000,000 to provide grants and loans for alternative energy projects, alternative fuels and demand side management and efficiency measures for all customer classes. The sum of \$25,000,000 under this subparagraph shall be for grants to high performance buildings which meet standards established in guidelines adopted by the department in consultation with the Department of Environmental Protection. These standards shall meet the following minimum criteria:~~

~~(A) Be consensus based, as defined by the Office of Management and Budget, Circular No. A 119, dated February 10, 1998.~~

~~(B) Include performance based categories which will foster achievement of the following:~~

~~(I) Optimization of the energy performance of buildings throughout this Commonwealth.~~

~~(II) Increase in the demand for environmentally preferable building materials, furnishings and finishes.~~

~~(III) Improvement in environmental quality in this Commonwealth by decreasing the discharge of pollutants from buildings and their manufacture.~~

~~(IV) Improvement in working conditions and a~~

1 ~~reduction in related health problems.~~

2 ~~(V) Reduction in this Commonwealth's~~
3 ~~dependence on imported sources of energy through~~
4 ~~buildings which conserve energy and utilize local~~
5 ~~and renewable energy sources.~~

6 ~~(VI) Protection and restoration of this~~
7 ~~Commonwealth's natural resources by avoiding~~
8 ~~development of inappropriate building sites.~~

9 ~~(VII) Reduction in the burden of municipal~~
10 ~~water supply and treatment by reducing potable~~
11 ~~water consumption.~~

12 ~~(VIII) Reduction in waste generation and the~~
13 ~~management of waste through recycling and~~
14 ~~diversion from landfill disposal.~~

15 ~~(C) Require documentation, verifiable~~
16 ~~calculations or the equivalent procedure to~~
17 ~~substantiate and support claims made about~~
18 ~~performance based categories.~~

19 ~~(D) Employ third party, postconstruction review~~
20 ~~and verification of the achievement of standards~~
21 ~~established in guidelines adopted by the department.~~

22 ~~(E) Have a performance record of certified green~~
23 ~~buildings in the United States.~~

24 ~~(v) An amount not to exceed \$45,000,000 of the gross~~
25 ~~receipts collected during each fiscal year under Article~~
26 ~~XI of the act of March 4, 1971 (P.L.6, No.2), known as~~
27 ~~the Tax Reform Code of 1971, shall be annually~~
28 ~~appropriated from the General Fund to the authority for~~
29 ~~the programs established under this subsection.~~

30 ~~(vi) An amount up to 3% of the revenues in the fund,~~

1 ~~but no more than \$25,000,000, to provide for pollution~~
2 ~~control technology projects which shall be utilized for~~
3 ~~grants to electric generating units or cogeneration~~
4 ~~units, as defined under 25 Pa. Code § 123.202 (relating~~
5 ~~to definitions), that utilize coal, as defined under 25~~
6 ~~Pa. Code § 123.202, as their primary fuel source, and~~
7 ~~that have an installed capacity of less than 500~~
8 ~~megawatts, located in this Commonwealth. Each electric~~
9 ~~generating unit or cogeneration unit shall be eligible to~~
10 ~~receive a pro rata share of moneys allocated for~~
11 ~~pollution control technology projects based on criteria~~
12 ~~developed by the department.~~

13 ~~(vii) An amount up to 5% of the revenues in the~~
14 ~~fund, but no less than \$30,000,000 to provide grants and~~
15 ~~loans to support the development of wind energy projects,~~
16 ~~grants and loans to support the development of~~
17 ~~manufacturing facilities for wind turbines and other wind~~
18 ~~energy components, and to provide grants to~~
19 ~~municipalities that host wind energy facilities.~~

20 ~~§ 1807. Authority indebtedness.~~

21 ~~(a) General rule. The authority shall have the power and is~~
22 ~~authorized from time to time, by resolution of the authority and~~
23 ~~subject to the written approval of the Governor, to issue its~~
24 ~~negotiable bonds in such principal amount as, in the opinion of~~
25 ~~the authority, shall be necessary to provide sufficient funds~~
26 ~~for any of its corporate purposes, the establishment of reserves~~
27 ~~to secure the bonds and all other expenditures of the authority~~
28 ~~incident to and necessary or convenient to carry out its~~
29 ~~corporate purposes and powers. The aggregate principal amount of~~
30 ~~bonds and notes of the authority shall not exceed \$800,000,000.~~

1 ~~outstanding at any one time.~~

2 ~~(b) Refund or renewal. The authority, whenever it deems it~~
3 ~~expedient, shall have the power to refund or renew any bonds by~~
4 ~~the issuance of new bonds whether the bonds to be refunded or~~
5 ~~renewed have or have not matured. Refunding bonds shall be sold~~
6 ~~and the proceeds applied to the purchase, redemption or payment~~
7 ~~of the bonds to be refunded.~~

8 ~~(c) No personal liability. Neither the members of the board~~
9 ~~of the authority nor any person executing the bonds shall be~~
10 ~~liable personally on the bonds or be subject to any personal~~
11 ~~liability or accountability by reason of the issuance thereof.~~

12 ~~(d) No Commonwealth debt. Bonds issued under the provisions~~
13 ~~of this chapter shall not be deemed to constitute a debt of the~~
14 ~~Commonwealth or any political subdivision or a pledge of the~~
15 ~~faith and credit of the Commonwealth or any political~~
16 ~~subdivision.~~

17 ~~(e) Bond requirements.—~~

18 ~~(1) The bonds of the authority shall be of the series,~~
19 ~~bear date or dates, mature at the time or times not exceeding~~
20 ~~40 years from their respective dates, bear interest at the~~
21 ~~rate or rates, payable at least semiannually, be in the~~
22 ~~denominations, be in the form, either coupon or fully~~
23 ~~registered without coupons, carry the registration,~~
24 ~~exchangeability and interchangeability privileges, by payment~~
25 ~~in medium of payment and at the place or places, be subject~~
26 ~~to the terms of redemption, with or without premium, and be~~
27 ~~entitled to the priorities in the revenue or receipts of the~~
28 ~~authority as the resolution or resolutions of the authority~~
29 ~~may provide.~~

30 ~~(2) The bonds shall be signed by or shall bear the~~

~~facsimile signature of the officers the authority shall determine, and coupon bonds shall have attached to the coupon bond in interest coupons bearing the facsimile signature of the chairman of the authority, all as may be prescribed in the resolution or resolutions of the authority.~~

~~(3) Bonds may be issued and delivered, notwithstanding that one or more of the officers signing the bonds shall have ceased to be the officer or officers at the time when the bonds shall actually be delivered.~~

~~(4) Bonds may be sold at public or private sales for the price or prices as the authority shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine.~~

~~(5) Any bond reciting in substance that it has been issued by the authority to aid in the financing of one or more projects to accomplish the public purposes of this chapter shall be conclusively deemed in proceedings involving the validity or enforceability of the bond or security for the bond to have been issued for that purpose.~~

~~(f) Bond provisions. A resolution or resolutions authorizing bonds may contain provisions, which shall be part of the contract with holders of the bonds, as to any of the following:~~

~~(1) Pledging the full faith and credit of the authority.~~

~~(2) The terms and provisions of the bonds.~~

~~(3) Limitations on the purposes to which the proceeds of the bonds then or from then on to be issued may be applied.~~

~~(4) The setting aside of reserves or sinking funds and~~

~~the regulation and disposition of the reserves or sinking funds.~~

~~(5) Limitations on the issuance of additional bonds.~~

~~(6) The terms and provisions of any indenture under which the bonds may be issued.~~

~~(7) Any other or additional agreements with the holders of the bonds.~~

~~(g) Indentures and other agreements. The authority may enter into indentures or other agreements, with a bank or trust company in or outside this Commonwealth, including a Federal agency, and may assign and pledge all or any of the revenues or receipts of the authority. The indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize, including, but without limitation, provisions as to:~~

~~(1) the application of funds and the safeguarding of funds on hand or on deposit;~~

~~(2) the rights and remedies of the trustee and the holders of the bonds, which may include restrictions upon the individual right of action of the holders; and~~

~~(3) the terms and provisions of the bonds or any additional bonds or the resolutions authorizing the issuance of the bonds or additional bonds.~~

~~(h) Negotiable instruments. The bonds shall have all the qualities of negotiable instruments under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).~~

~~(i) Rights and remedies. The rights and remedies conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to the bondholders by the resolution or resolutions providing for~~

1 ~~the issuance of bonds or by any indenture or other agreement~~
2 ~~under which the bonds may be issued.~~

3 ~~(j) Default. In the event that the authority shall default~~
4 ~~in the payment of principal or premium, if any, or interest on~~
5 ~~any issue of bonds after the principal, premium or interest~~
6 ~~shall become due, whether at maturity, upon call for redemption~~
7 ~~or otherwise and the default shall continue for a period of 30~~
8 ~~days, or in the event that the authority shall fail or refuse to~~
9 ~~comply with the provisions of this chapter or shall default in~~
10 ~~any agreement made with the holders of the bonds, the holders of~~
11 ~~25% in aggregate principal amount of the bonds then outstanding~~
12 ~~of the issues, by instrument or instruments filed in the Office~~
13 ~~of the Prothonotary of the Commonwealth Court, may appoint a~~
14 ~~trustee to represent the bondholders for the purposes provided~~
15 ~~in this subsection. The trustee and any trustee under any~~
16 ~~indenture or other agreement may, and upon written request of~~
17 ~~the holders of 25% or other percentage as may be specified in~~
18 ~~any indenture or other agreement, in principal amount of the~~
19 ~~particular issues of bonds then outstanding shall, in the~~
20 ~~trustee's own name:~~

21 ~~(1) By mandamus or other suit, action or proceeding at~~
22 ~~law or in equity, enforce all rights of the bondholders,~~
23 ~~including the right to require the authority to carry out any~~
24 ~~agreement as to or pledge of the revenues or receipts of the~~
25 ~~authority and to require the authority to carry out any other~~
26 ~~agreements with or for the benefit of the bondholders and to~~
27 ~~perform its and their duties under this chapter.~~

28 ~~(2) Bring suit upon the bonds.~~

29 ~~(3) By action or suit in equity require the authority to~~
30 ~~account as if it were the trustee of an express trust for the~~

1 ~~bondholders.~~

2 ~~(4) By action or suit in equity enjoin any acts or~~
3 ~~things which may be unlawful or in violation of the rights of~~
4 ~~the bondholders.~~

5 ~~(5) By notice in writing to the authority, declare all~~
6 ~~bonds due and payable and if all defaults shall be made good,~~
7 ~~then with the consent of the holders of 25% or such other~~
8 ~~percentage as may be specified in any indenture or other~~
9 ~~agreement of the principal amount of bonds then outstanding,~~
10 ~~to announce the declaration and its consequences.~~

11 ~~(k) Jurisdiction. The Commonwealth Court shall have~~
12 ~~jurisdiction of any suit, action or proceeding by the trustee on~~
13 ~~behalf of the bondholders.~~

14 ~~(l) Trustee powers.~~

15 ~~(1) A trustee appointed by the court or trustee acting~~
16 ~~under an indenture or other agreement, and whether or not all~~
17 ~~bonds have been declared due and payable, shall be entitled~~
18 ~~as of right to the appointment of a receiver, who may~~
19 ~~exercise dominion over the mortgages or other security held~~
20 ~~by or available to the authority or any part of the~~
21 ~~authority, the revenues or receipts from which are or may be~~
22 ~~applicable to the payment of the bonds so in default, and~~
23 ~~collect and receive all revenues arising after default from~~
24 ~~the bonds in the same manner as the authority might do and~~
25 ~~shall deposit all money in a separate account and apply the~~
26 ~~same in the manner as the court shall direct.~~

27 ~~(2) In any suit, action or proceeding by a trustee, the~~
28 ~~fees, the counsel fees and expenses of the trustee and of the~~
29 ~~receiver, if any, and all costs and disbursements allowed by~~
30 ~~the court shall be a first charge on any revenues and~~

1 ~~receipts derived from the mortgages of the authority or other~~
2 ~~security held by or available to the authority, the revenues~~
3 ~~or receipts from which are or may be applicable to the~~
4 ~~payment of the bonds in default.~~

5 ~~(3) A trustee shall also have all of the power necessary~~
6 ~~or appropriate for the exercise of any function specifically~~
7 ~~set forth in this section, in any indenture or other~~
8 ~~agreement or incident to the general representation of the~~
9 ~~bondholders in the enforcement and protection of their~~
10 ~~rights.~~

11 ~~§ 1808. Financial assistance.~~

12 ~~(a) General rule. When it has been determined by the~~
13 ~~authority, upon application and hearing in the manner provided~~
14 ~~in this section, that the granting of financial assistance will~~
15 ~~accomplish the public purposes of this chapter, the authority~~
16 ~~may contract to make financial assistance available in an amount~~
17 ~~not in excess of the cost of the project.~~

18 ~~(b) Confirmation of other funding. Prior to committing~~
19 ~~itself to provide financial assistance under this section, the~~
20 ~~authority shall have determined that the person requesting the~~
21 ~~assistance has obtained from other responsible and independent~~
22 ~~sources, including the Federal Government, banks, savings and~~
23 ~~loan associations or otherwise, a firm commitment for all other~~
24 ~~funds, over and above the amount of financial assistance~~
25 ~~requested from the authority, which in the aggregate shall be~~
26 ~~sufficient to cover the entire cost of the project.~~

27 ~~(c) Time period and interest. Any loan, lease, sale,~~
28 ~~guarantee or other agreement with response to a project shall be~~
29 ~~for the period of time and shall bear interest at the rate as~~
30 ~~shall be determined by the authority and may be secured by~~

~~1 mortgage on and security interest in the project which the loan,
2 lease, guarantee or other sale agreement relates, or with
3 respect to any other property of the obligor, or any other
4 security which the authority determines to be necessary.~~

~~5 (d) Manner of payment. Money made available for projects by
6 the authority shall be withdrawn from the appropriate funds and
7 paid over to the obligor in the manner provided and prescribed
8 by the resolutions, rules and regulations of the authority, the
9 loan, lease, sale, guarantee or other agreement and the
10 indenture or agreement of trust, if any, relating to the
11 project.~~

~~12 (e) Deposit in appropriate funds. All payments of interest
13 on funds made available for projects and the principal amount
14 shall be deposited by or on behalf of the authority in the
15 appropriate funds.~~

~~16 (f) Application form. Prior to disbursing any funds for, or
17 committing itself to guarantee any indebtedness relating to, or
18 providing technical assistance for a project, the authority
19 shall receive an application in the form and having the content
20 the authority may prescribe from the person seeking the
21 assistance.~~

~~22 § 1809. Energy development plan.~~

~~23 (a) Contents. In order to devise the most effective
24 strategy for providing the financial and technical assistance
25 authorized in this chapter, the authority shall publish by
26 August 15, 1983, a plan for the allocation and distribution of
27 financial and technical assistance. The energy development plan
28 shall do all of the following:~~

~~29 (1) Place maximum reliance upon allocation and
30 distribution strategies that exploit the use of other~~

1 ~~available Federal, State, local and private financial~~
2 ~~support.~~

3 ~~(2) Allocate appropriated authority funds, money made~~
4 ~~available from payment of principal and interest received by~~
5 ~~the authority not otherwise payable to other creditors or~~
6 ~~bondholders and other funds available to the authority to~~
7 ~~projects whose likelihood or implementation would be~~
8 ~~diminished unless financial and technical assistance from the~~
9 ~~authority is made available.~~

10 ~~(3) Provide for the approval of assistance for projects~~
11 ~~that will make the greatest possible contributions to energy~~
12 ~~conservation and development.~~

13 ~~(4) Provide financial and technical assistance only to~~
14 ~~persons with a demonstrated need and who evidence reasonable~~
15 ~~likelihood of being able, in the case of loans and loan~~
16 ~~guarantees, to repay the loans.~~

17 ~~(5) Identify the various classes of projects to be~~
18 ~~provided with financial and technical assistance and allocate~~
19 ~~available authority funds among these classes. Specifically,~~
20 ~~the authority shall consider increasing coal production and~~
21 ~~the use of renewable fuels and in energy efficiency in~~
22 ~~buildings and industry in establishing its priorities.~~

23 ~~(6) Establish application procedures and criteria for~~
24 ~~granting financial and technical assistance.~~

25 ~~(7) Establish procedures for the periodic updating and~~
26 ~~revision of the energy development plan.~~

27 ~~(b) Public hearings. The authority shall hold public~~
28 ~~hearings at locations throughout this Commonwealth to receive~~
29 ~~comments upon and suggestions for the improvement of the energy~~
30 ~~development plan. These hearings shall be concluded within 90~~

~~1 days of the publication of the initial plan. Not more than 90
2 days following the completion of hearings, the authority shall
3 promulgate its final energy development plan.~~

~~4 § 1810. Exemption from taxation.~~

~~5 (a) Exemption. The effectuation of the authorized purposes
6 of the authority is for the benefit of the people of this
7 Commonwealth and since the authority will as a government
8 instrumentality of the Commonwealth be performing essential
9 government functions in effectuating the purposes, the bonds or
10 other evidences of indebtedness issued by the authority, their
11 transfer and the income from the bonds shall at all times be
12 free from taxation within this Commonwealth.~~

~~13 (b) Interest on certain bonds. The authority may covenant
14 and consent that the interest on certain of its bonds shall be
15 includable, under the Internal Revenue Code of 1986 (Public Law
16 99-514, 26 U.S.C. § 1 et seq.) or any subsequent corresponding
17 internal revenue laws of the United States, in the gross income
18 of the holders of the bonds to the same extent and in the same
19 manner that the interest on bills, bonds, notes or other
20 obligations of the United States is includable in the gross
21 income of the holders thereof under the Internal Revenue Code of
22 1986. Notwithstanding any covenant or consent of the authority,
23 the exemption provided in subsection (a) shall not be affected.~~

~~24 § 1811. Funding of authority.~~

~~25 (a) Energy Development Fund. A special account is hereby
26 created in the State Treasury to be known as the Energy
27 Development Fund. The fund shall be used to prepare the energy
28 development plan, to pay for initial administrative costs
29 associated with initial bond issues, to make grants for limited
30 research and pursuant to this chapter to establish such reserves~~

1 ~~as in the judgment of the authority with respect to loans~~
2 ~~guaranteed or bonds issued by the authority may be necessary or~~
3 ~~desirable or to accomplish any other of its corporate purposes.~~

4 ~~(b) Administrative costs. As often as may be necessary, the~~
5 ~~authority shall requisition from the appropriate funds the~~
6 ~~amounts necessary to provide adequate funds for the payment of~~
7 ~~the administrative costs related to this chapter.~~

8 ~~(c) Excess funds. At any time that the authority shall~~
9 ~~determine that funds held for the credit of the Energy~~
10 ~~Development Fund are in excess of the amount needed to carry out~~
11 ~~the purposes of this chapter, the authority shall take such~~
12 ~~action as shall be required to release the excess from the fund~~
13 ~~and transfer the same to the General Fund of the State Treasury.~~

14 ~~§ 1812. Limitation of powers.~~

15 ~~The Commonwealth pledges to and agrees with any person or~~
16 ~~Federal agency subscribing to or acquiring the bonds to be~~
17 ~~issued by the authority for the construction of any project or~~
18 ~~part of the project, that the Commonwealth will not limit or~~
19 ~~alter adversely the rights vested in the authority until all~~
20 ~~bonds at any time issued, together with the interest, are fully~~
21 ~~met and discharged. The Commonwealth further pledges to and~~
22 ~~agrees with any Federal agency that if the Federal agency shall~~
23 ~~construct or contribute funds for the construction of any~~
24 ~~project or any portion of the project, the Commonwealth will not~~
25 ~~alter or limit the rights and powers of the authority in any~~
26 ~~manner that would be inconsistent with the continued maintenance~~
27 ~~and operation of any project or the improvement of the project,~~
28 ~~or that would be inconsistent with the due performance of any~~
29 ~~agreements between the authority and the Federal agency, and the~~
30 ~~authority shall continue to have and may exercise all powers~~

~~1 granted under this chapter, as long as the same shall be
2 necessary or desirable for carrying out the purposes of this
3 chapter and the purposes of the United States pertaining to the
4 construction, acquisition or improvement of any project or
5 portion of the project.~~

~~6 § 1813. Audit.~~

~~7 The accounts and books of the authority, including its
8 receipts, disbursements, contracts, mortgages, investments and
9 other matters relating to its finances, operation and affairs
10 shall be examined and audited every two years by the Auditor
11 General.~~

~~12 Section 4. The following apply:~~

~~13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate the addition of 64
15 Pa.C.S. Ch. 18.~~

~~16 (2) Article XXVIII C of the act of April 9, 1929
17 (P.L.177, No.175), known as The Administrative Code of 1929,
18 is repealed.~~

~~19 Section 5. The addition of 64 Pa.C.S. Ch. 18 is a
20 continuation of Article XXVIII C of the act of April 9, 1929
21 (P.L.177, No.175), known as The Administrative Code of 1929. The
22 following apply:~~

~~23 (1) Except as otherwise provided in 64 Pa.C.S. Ch. 18,
24 all activities initiated under Article XXVIII C of The
25 Administrative Code of 1929 shall continue and remain in full
26 force and effect and may be completed under 64 Pa.C.S. Ch.
27 18. Orders, regulations, rules and decisions which were made
28 under Article XXVIII C of The Administrative Code of 1929 and
29 which are in effect on the effective date of section 2(2) of
30 this act shall remain in full force and effect until revoked,~~

1 ~~vacated or modified under 64 Pa.C.S. Ch. 18. Contracts,~~
2 ~~obligations and collective bargaining agreements entered into~~
3 ~~under Article XXVIII C of The Administrative Code of 1929 are~~
4 ~~not affected nor impaired by the repeal of Article XXVIII C~~
5 ~~of The Administrative Code of 1929.~~

6 ~~(2) Except as set forth in paragraph (3), any difference~~
7 ~~in language between 64 Pa.C.S. Ch. 18 and Article XXVIII C of~~
8 ~~The Administrative Code of 1929 is intended only to conform~~
9 ~~to the style of the Pennsylvania Consolidated Statutes and is~~
10 ~~not intended to change or affect the legislative intent,~~
11 ~~judicial construction or administration and implementation of~~
12 ~~Article XXVIII C of The Administrative Code of 1929.~~

13 ~~(3) Paragraph (2) does not apply to the following~~
14 ~~provisions:~~

15 ~~(i) Paragraphs (3), (4) and (5) of the definition of~~
16 ~~"project" in 64 Pa.C.S. § 1801.~~

17 ~~(ii) 64 Pa.C.S. § 1802(d)(4).~~

18 ~~(iii) 64 Pa.C.S. § 1803(b), (c), (d) and (e).~~

19 ~~(iv) 64 Pa.C.S. § 1806(2), (14), (19), (20) and~~
20 ~~(21).~~

21 ~~(v) 64 Pa.C.S. § 1807(a) and (c).~~

22 ~~(vi) 64 Pa.C.S. § 1809(a).~~

23 ~~(vii) 64 Pa.C.S. § 1811(a).~~

24 ~~Section 6. This act shall take effect immediately.~~

25 CHAPTER 1

26 PRELIMINARY PROVISIONS

27 SECTION 101. SHORT TITLE.

28 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE ALTERNATIVE
29 ENERGY INVESTMENT ACT.

30 SECTION 102. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
2 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ALTERNATIVE ENERGY PRODUCTION PROJECT." THE DEVELOPMENT OR
5 CONSTRUCTION OF THE FOLLOWING:

6 (1) A FACILITY THAT UTILIZES WASTE COAL, ALTERNATIVE
7 FUELS, BIOMASS, SOLAR ENERGY, WIND ENERGY, GEOTHERMAL
8 TECHNOLOGIES, CLEAN COAL TECHNOLOGIES, WASTE ENERGY
9 TECHNOLOGIES OR OTHER ALTERNATIVE ENERGY SOURCES AS DEFINED
10 IN THE ACT OF NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN AS
11 THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT, TO PRODUCE OR
12 DISTRIBUTE ALTERNATIVE ENERGY.

13 (2) A FACILITY THAT MANUFACTURES OR PRODUCES PRODUCTS,
14 INCLUDING COMPONENT PARTS, THAT PROVIDE ALTERNATIVE ENERGY OR
15 ALTERNATIVE FUELS, IMPROVE ENERGY EFFICIENCY OR CONSERVE
16 ENERGY.

17 (3) A FACILITY USED FOR THE RESEARCH AND DEVELOPMENT OF
18 TECHNOLOGY TO PROVIDE ALTERNATIVE ENERGY SOURCES OR
19 ALTERNATIVE FUELS.

20 (4) A PROJECT FOR THE DEVELOPMENT OR ENHANCEMENT OF RAIL
21 TRANSPORTATION SYSTEMS THAT DELIVER ALTERNATIVE FUELS OR HIGH
22 EFFICIENCY LOCOMOTIVES.

23 "ALTERNATIVE ENERGY SYSTEM." ENERGY GENERATED FROM
24 ALTERNATIVE ENERGY SOURCES AS DEFINED UNDER THE ACT OF NOVEMBER
25 30, 2004 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE ENERGY
26 PORTFOLIO STANDARDS ACT. THE TERM SHALL NOT INCLUDE A SYSTEM
27 THAT IS DEFINED AS A DEMAND-SIDE MANAGEMENT SYSTEM CONSISTING OF
28 THE MANAGEMENT OF CUSTOMER CONSUMPTION OF ELECTRICITY OR THE
29 DEMAND FOR ELECTRICITY.

30 "AUTHORITY." THE COMMONWEALTH FINANCING AUTHORITY

1 ESTABLISHED UNDER 64 PA.C.S. CH. 15 (RELATING TO COMMONWEALTH
2 FINANCING AUTHORITY).

3 "BUSINESS." A CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP,
4 LIMITED LIABILITY COMPANY, BUSINESS TRUST OR OTHER COMMERCIAL
5 ENTITY APPROVED BY THE AUTHORITY. THE TERM SHALL INCLUDE NOT-
6 FOR-PROFIT ENTITIES.

7 "CLEAN ENERGY PROJECT." A PROJECT WHICH DOES ANY OF THE
8 FOLLOWING:

9 (1) REPLACES OR SUPPLEMENTS AN EXISTING ENERGY SYSTEM
10 THAT UTILIZES NONRENEWABLE ENERGY WITH AN ENERGY SYSTEM THAT
11 UTILIZES ALTERNATIVE ENERGY.

12 (2) FACILITATES THE INSTALLATION OF AN ALTERNATIVE
13 ENERGY SYSTEM IN AN EXISTING BUILDING OR IN NEW CONSTRUCTION
14 OR A MAJOR RENOVATION OF A BUILDING.

15 (3) FACILITATES THE CONSTRUCTION OF A NEW HIGH
16 PERFORMANCE BUILDING, THE RETROFIT OF AN EXISTING BUILDING TO
17 MEET HIGH PERFORMANCE BUILDING STANDARDS OR THE PREPARATION
18 OF A SITE FOR HIGH PERFORMANCE BUILDING DEVELOPMENT,
19 INCLUDING EQUIPMENT ACQUISITION, CONSTRUCTION, INFRASTRUCTURE
20 AND SITE PREPARATION.

21 (4) INSTALLS EQUIPMENT TO FACILITATE OR IMPROVE ENERGY
22 CONSERVATION OR ENERGY EFFICIENCY, INCLUDING HEATING AND
23 COOLING EQUIPMENT AND SOLAR THERMAL EQUIPMENT.

24 (5) AN ENERGY SERVICE PROJECT.

25 "CONSUMER ENERGY CONSERVATION PROJECT." THE PURCHASE OR
26 INSTALLATION OF ANY OF THE FOLLOWING:

27 (1) ENERGY EFFICIENT WINDOWS AND DOORS, INCLUDING
28 WINDOWS AND DOORS WITH LOW-EMISSIVITY GLASS, COATINGS AND
29 GLAZINGS.

30 (2) GEOTHERMAL HEAT PUMPS.

1 (3) INSULATION, AIR-SEALING AND OTHER ENERGY SAVING
2 PROJECTS APPROVED BY THE DEPARTMENT.

3 (4) ENERGY EFFICIENT OR ALTERNATIVE ENERGY HEATING AND
4 COOLING EQUIPMENT OR SYSTEMS.

5 (5) ENERGY EFFICIENT SOLID FUEL RESIDENTIAL FURNACES, AS
6 APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO
7 INCLUDE FURNACES THAT BURN COAL OR WOOD PELLETS.

8 (6) ENERGY EFFICIENT LIGHTING SYSTEMS FOR SMALL
9 BUSINESSES.

10 "DATA CENTER." A FACILITY USED TO HOUSE COMPUTER SYSTEMS AND
11 ASSOCIATED COMPONENTS, SUCH AS TELECOMMUNICATIONS AND STORAGE
12 SYSTEMS.

13 "DATA CENTER CONSOLIDATION PROJECT." A PROJECT, AS
14 DETERMINED BY THE AUTHORITY, THAT UTILIZES SERVER VIRTUALIZATION
15 TECHNOLOGY TO CONSOLIDATE AND REDUCE THE REQUIRED NUMBER OF
16 SERVERS AT A DATA CENTER FOR THE PURPOSE OF INCREASED ENERGY
17 EFFICIENCY AND REDUCED ENERGY DEMAND.

18 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF
19 THE COMMONWEALTH.

20 "ENERGY EFFICIENT EQUIPMENT." EQUIPMENT PURCHASED FOR
21 MANUFACTURING OR PROCESSING WHICH IS DESIGNED TO UTILIZE
22 SIGNIFICANTLY LESS ENERGY THAN THE INDUSTRY STANDARD AT THE TIME
23 OF PURCHASE AS DETERMINED BY THE DEPARTMENT.

24 "ENERGY EFFICIENT HEATING AND COOLING EQUIPMENT." HEATING
25 AND COOLING EQUIPMENT DESIGNED TO UTILIZE SIGNIFICANTLY LESS
26 ENERGY THAN THE INDUSTRY STANDARD AT THE TIME OF PURCHASE AS
27 DETERMINED BY THE DEPARTMENT.

28 "ENERGY SERVICE PROJECT." A PROJECT UNDERTAKEN BY A
29 POLITICAL SUBDIVISION PURSUANT TO AN ENERGY SAVINGS CONTRACT
30 WITH A QUALIFIED PROVIDER UNDER 62 PA.C.S. CH. 37 SUBCH. E

1 (RELATING TO GUARANTEED ENERGY SAVINGS CONTRACTS) AND THE ACT OF
2 MAY 10, 1996 (P.L.153, NO.29), KNOWN AS THE GUARANTEED ENERGY
3 SAVINGS ACT.

4 "HIGH PERFORMANCE BUILDING." A BUILDING THAT ADHERES TO
5 STANDARDS ADOPTED BY THE DEPARTMENT OF GENERAL SERVICES, IN
6 CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
7 THAT OPTIMIZE THE ENERGY PERFORMANCE OF BUILDINGS.

8 "POLLUTION CONTROL TECHNOLOGY PROJECT." THE ACQUISITION,
9 CONSTRUCTION OR INSTALLATION OF POLLUTION CONTROL TECHNOLOGY AND
10 EQUIPMENT THAT ENABLES AN ELECTRIC GENERATING UNIT OR
11 COGENERATION UNIT TO MEET ANY OF THE FOLLOWING REQUIREMENTS:

12 (1) MERCURY EMISSION REDUCTIONS UNDER 25 PA. CODE CH.
13 123 (RELATING TO STANDARDS FOR CONTAMINANTS).

14 (2) THE REGULATIONS ADOPTED BY THE UNITED STATES
15 ENVIRONMENTAL PROTECTION AGENCY KNOWN AS THE CLEAN AIR
16 MERCURY RULE CODIFIED AT 40 CFR PTS. 60 (RELATING TO
17 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES), 72
18 (RELATING TO PERMITS REGULATION) AND 75 (RELATING TO
19 CONTINUOUS EMISSION MONITORING).

20 (3) NITROGEN OXIDES AND SULFUR DIOXIDE EMISSION
21 REDUCTION UNDER 25 PA. CODE CHS. 121 (RELATING TO GENERAL
22 PROVISIONS), 129 (RELATING TO STANDARDS FOR SOURCES) AND 145
23 (RELATING TO INTERSTATE POLLUTION TRANSPORT REDUCTION).

24 (4) THE CLEAN AIR INTERSTATE RULE IN 40 C.F.R. (RELATING
25 TO PROTECTION OF ENVIRONMENT).

26 "SERVER." A DEVICE ON A COMPUTER NETWORK THAT MANAGES
27 NETWORK RESOURCES, INCLUDING DEVICES TO MANAGE NETWORK TRAFFIC,
28 STORE FILES OR PROCESS DATABASE QUERIES.

29 "SERVER VIRTUALIZATION TECHNOLOGY." THE PRACTICE OF HOSTING
30 A SOFTWARE OPERATING SYSTEM WITHIN A VIRTUAL MACHINE.

1 "SITE PREPARATION PROJECT." THE CONSTRUCTION OF WATER AND
2 SEWER LINES, STORM WATER SYSTEMS, EXCAVATION, CONSTRUCTION OF
3 ACCESS ROADS, PARKING FACILITIES, PIPELINES, TRANSFORMERS AND
4 UTILITY TRANSMISSION LINES AND TRAFFIC CONTROL DEVICES.

5 "SMALL BUSINESS." A PERSON THAT IS ENGAGED IN A FOR-PROFIT
6 ENTERPRISE AND THAT EMPLOYS 100 OR FEWER INDIVIDUALS. THE TERM
7 INCLUDES AN AGRICULTURAL PRODUCER OF A FARM COMMODITY.

8 "TAX REFORM CODE OF 1971." THE ACT OF MARCH 4, 1971 (P.L.6,
9 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

10 "VIRTUAL MACHINE." A SELF-CONTAINED SOFTWARE OPERATING
11 ENVIRONMENT THAT OPERATES WITHIN A SERVER AND SIMULATES A
12 HARDWARE DEVICE, SUCH AS A COMPUTER OR A SERVER.

13 CHAPTER 3

14 ALTERNATIVE ENERGY DEVELOPMENT PROGRAM

15 SECTION 301. PROGRAM.

16 THE ALTERNATIVE ENERGY DEVELOPMENT PROGRAM IS ESTABLISHED.
17 THE PURPOSE OF THE PROGRAM IS TO FUND PROJECTS UNDER THIS
18 CHAPTER.

19 SECTION 302. APPROPRIATION.

20 FOLLOWING THE EXPIRATION OF ONE OR MORE GENERATION RATE CAPS
21 ESTABLISHED IN AN ELECTRIC UTILITY RESTRUCTURING PROCEEDING
22 UNDER 66 PA.C.S. § 2804(4) (RELATING TO STANDARDS FOR
23 RESTRUCTURING OF ELECTRIC INDUSTRY), AN AMOUNT NOT TO EXCEED
24 \$40,000,000 SHALL BE ANNUALLY APPROPRIATED FROM THE GENERAL FUND
25 TO THE AUTHORITY. THE AUTHORITY SHALL USE THE FUNDS TO INCUR
26 INDEBTEDNESS UNDER THIS SECTION IN AN AMOUNT UP TO \$500,000,000
27 PLUS THE PAYMENT OF ALL REASONABLE COSTS AND EXPENSES RELATED TO
28 THE ISSUANCE OF INDEBTEDNESS IN ACCORDANCE WITH 64 PA.C.S. CH.
29 15 (RELATING TO COMMONWEALTH FINANCING AUTHORITY) FOR UP TO 30
30 YEARS. FOR FISCAL YEARS 2008-2009 THROUGH 2037-2038, THE

1 \$40,000,000 APPROPRIATED UNDER THIS SECTION, OR AS MUCH THEREOF
2 AS MAY BE NECESSARY, SHALL BE USED BY THE AUTHORITY FOR PAYMENT
3 OF DEBT SERVICE. PROCEEDS FROM ANY DEBT INCURRED UNDER THIS
4 SECTION SHALL BE ALLOCATED IN ACCORDANCE WITH THIS CHAPTER.
5 SECTION 303. BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY.

6 (A) ALLOCATION.--THE SUM OF \$40,000,000 SHALL BE TRANSFERRED
7 BY THE AUTHORITY TO THE BEN FRANKLIN TECHNOLOGY DEVELOPMENT
8 AUTHORITY. FUNDS UNDER THIS SUBSECTION SHALL BE TRANSFERRED TO
9 THE BEN FRANKLIN TECHNOLOGY PARTNERS FOR ENERGY-RELATED
10 INVESTMENTS TO SUPPORT EARLY-STAGE ACTIVITIES, INCLUDING
11 INCUBATOR SUPPORT SERVICES, MANAGEMENT SUPPORT, TRANSLATIONAL
12 RESEARCH, COMPANY INVESTMENT, EARLY-STAGE RESEARCH OF OTHER
13 PROGRAMS OR ADMINISTRATIVE ACTIVITIES TO DEVELOP AND IMPLEMENT
14 ALTERNATIVE ENERGY TECHNOLOGIES AND ENERGY EFFICIENCY
15 TECHNOLOGIES. FUNDS ALLOCATED UNDER THIS PARAGRAPH SHALL BE
16 DISTRIBUTED EQUALLY AMONG THE BEN FRANKLIN TECHNOLOGY PARTNERS.

17 (B) GUIDELINES.--FUNDS ALLOCATED UNDER THIS SECTION SHALL BE
18 USED IN ACCORDANCE WITH GUIDELINES OF THE BEN FRANKLIN
19 TECHNOLOGY DEVELOPMENT AUTHORITY BOARD. THE GUIDELINES SHALL
20 SEEK TO ENSURE THAT MINORITY-OWNED, WOMEN-OWNED AND OTHER
21 DISADVANTAGED BUSINESSES HAVE THE OPPORTUNITY TO SUBSTANTIALLY
22 PARTICIPATE IN FUNDING ACTIVITIES UNDERTAKEN PURSUANT TO THIS
23 SECTION. THE GUIDELINES SHALL BE POSTED ON ITS OFFICIAL INTERNET
24 WEBSITE.

25 (C) APPLICATION.--AN APPLICANT FOR FUNDS UNDER THIS SECTION
26 SHALL SUBMIT AN APPLICATION INCLUDING ANY SUPPORTING INFORMATION
27 AS REQUIRED BY THE BEN FRANKLIN TECHNOLOGY DEVELOPMENT
28 AUTHORITY.

29 (D) ADMINISTRATIVE COSTS.--NO MORE THAN 1% OF FUNDS
30 ALLOCATED TO THE BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY

1 SHALL BE USED FOR ADMINISTRATIVE COSTS.

2 (E) REPORTING.--BY APRIL 1 OF EACH YEAR, THE BEN FRANKLIN
3 TECHNOLOGY DEVELOPMENT AUTHORITY SHALL PROVIDE AN ANNUAL REPORT
4 TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
5 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
6 OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.
7 THE REPORT SHALL BE POSTED AND MAINTAINED ON ITS OFFICIAL
8 INTERNET WEBSITE. THE REPORT SHALL INCLUDE A LIST OF ALL FUNDS
9 DISTRIBUTED UNDER SUBSECTION (A), THE RECIPIENTS OF THE FUNDS,
10 THE TECHNOLOGY TO BE DEVELOPED, A DESCRIPTION OF HOW THE
11 INVESTMENTS OF THE PARTNERS THROUGH THIS PROGRAM WILL ACHIEVE
12 THE GOALS OF THIS ACT, INCLUDING SAVING ENERGY, IN THIS
13 COMMONWEALTH AND OTHER DETAILS RELATING TO THE PROJECT.
14 SECTION 304. POLLUTION CONTROL TECHNOLOGY PROJECTS.

15 (A) ALLOCATION.--THE SUM OF \$25,000,000 SHALL BE TRANSFERRED
16 BY THE AUTHORITY TO THE DEPARTMENT FOR POLLUTION CONTROL
17 TECHNOLOGY PROJECTS. THE FUNDS SHALL BE UTILIZED FOR GRANTS TO
18 ELECTRIC GENERATING UNITS OR COGENERATION UNITS, AS DEFINED
19 UNDER 25 PA. CODE § 123.202 (RELATING TO DEFINITIONS), THAT
20 UTILIZE COAL, AS DEFINED UNDER 25 PA. CODE § 123.202, AS THEIR
21 PRIMARY FUEL SOURCE, AND THAT HAVE AN INSTALLED CAPACITY OF LESS
22 THAN 500 MEGAWATTS, LOCATED IN THIS COMMONWEALTH.

23 (B) DISTRIBUTION.--EACH ELECTRIC GENERATING UNIT OR
24 COGENERATION UNIT SHALL BE ELIGIBLE TO RECEIVE A PRO RATA SHARE
25 OF MONEYS ALLOCATED FOR POLLUTION CONTROL TECHNOLOGY PROJECTS
26 BASED ON CRITERIA DEVELOPED BY THE DEPARTMENT. THE DEPARTMENT
27 SHALL PUBLISH THE CRITERIA TO BE USED IN THE PENNSYLVANIA
28 BULLETIN AND ON ITS INTERNET WEBSITE AND SHALL SUBMIT THE
29 CRITERIA TO THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF
30 THE SENATE AND THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE

1 OF THE HOUSE OF REPRESENTATIVES FOR COMMENT AND REVIEW 60 DAYS
2 PRIOR TO ACCEPTING A GRANT APPLICATION UNDER THIS SECTION.
3 SECTION 305. EMERGENCY ENERGY ASSISTANCE FUND.

4 (A) DEPOSIT.--FOR FISCAL YEARS 2008-2009 THROUGH 2011-2012,
5 THE SUM OF \$10,000,000 SHALL BE ANNUALLY TRANSFERRED BY THE
6 AUTHORITY TO THE DEPARTMENT OF PUBLIC WELFARE FOR DEPOSIT INTO
7 THE EMERGENCY ENERGY ASSISTANCE FUND.

8 (B) ADMINISTRATION.--FUNDS DEPOSITED UNDER THIS SECTION
9 SHALL BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WELFARE FOR
10 STATE-FUNDED EMERGENCY ENERGY ASSISTANCE WHEN ALL OF THE
11 FOLLOWING OCCUR:

12 (1) THE GOVERNOR ISSUES A DECLARATION THAT EITHER
13 WEATHER CONDITIONS, NATURAL OR MAN-MADE DISASTERS, OR HIGH
14 ENERGY PRICES OR A COMBINATION THEREOF ARE A THREAT TO PUBLIC
15 HEALTH WITHIN THIS COMMONWEALTH AND AVAILABLE FEDERAL HOME
16 ENERGY ASSISTANCE FUNDS ARE NOT SUFFICIENT TO MEET THIS NEED.

17 (2) THE GOVERNOR HAS THE EMERGENCY DECLARATION ISSUED
18 UNDER PARAGRAPH (1) PUBLISHED IN THE PENNSYLVANIA BULLETIN
19 ALONG WITH THE CRITERIA AND EMERGENCY REGULATIONS FOR THE
20 EMERGENCY ENERGY ASSISTANCE PROGRAM AND TRANSMITS COPIES OF
21 THE DECLARATION TO THE CHAIR AND MINORITY CHAIR OF THE
22 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIR AND
23 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
24 OF REPRESENTATIVES.

25 SECTION 306. CONSUMER AND SMALL BUSINESS SOLAR ENERGY PROJECTS.

26 (A) ALLOCATION.--THE SUM OF \$100,000,000 SHALL BE
27 TRANSFERRED BY THE AUTHORITY TO THE DEPARTMENT TO PROVIDE A
28 LOAN, GRANT, REIMBURSEMENT OR REBATE TO INDIVIDUALS RESIDING IN
29 AN OWNER-OCCUPIED DWELLING OR TO SMALL BUSINESSES FOR SOLAR
30 ENERGY PROJECTS WITHIN THIS COMMONWEALTH.

1 (B) AMOUNTS.--THE AMOUNT OF THE LOAN, GRANT, REIMBURSEMENT
2 OR REBATE SHALL NOT EXCEED 35% OF THE PURCHASE AND INSTALLATION
3 PRICE OF THE SOLAR OR SOLAR-PHOTOVOLTAIC ENERGY SYSTEM. THE
4 DEPARTMENT SHALL ADOPT GUIDELINES ESTABLISHING THE NUMBER OF
5 KILOWATTS OF INSTALLED CAPACITY NECESSARY FOR AN INDIVIDUAL OR A
6 SMALL BUSINESS TO QUALIFY TO RECEIVE A LOAN, GRANT,
7 REIMBURSEMENT OR REBATE.

8 SECTION 307. COMMONWEALTH FINANCING AUTHORITY.

9 (A) PROJECTS.--

10 (1) THE SUM OF \$165,000,000 FROM FUNDS AVAILABLE TO THE
11 AUTHORITY UNDER SECTION 302(A) SHALL BE ALLOCATED BY THE
12 AUTHORITY FOR GRANTS OR LOANS FOR THE FOLLOWING PROGRAMS:

13 (I) LOANS TO BUSINESSES OR NONPROFIT ECONOMIC
14 DEVELOPMENT ORGANIZATIONS FOR CLEAN ENERGY PROJECTS.

15 (II) LOANS OR GRANTS TO POLITICAL SUBDIVISIONS FOR
16 CLEAN ENERGY PROJECTS.

17 (III) LOANS AND GRANTS TO BUSINESSES OR NONPROFIT
18 ECONOMIC DEVELOPMENT ORGANIZATIONS FOR ALTERNATIVE ENERGY
19 PRODUCTION PROJECTS.

20 (IV) LOANS AND GRANTS TO BUSINESSES, NONPROFIT
21 ECONOMIC DEVELOPMENT ORGANIZATIONS OR POLITICAL
22 SUBDIVISIONS FOR SITE PREPARATION.

23 (2) A SOLAR ENERGY PROJECT, INCLUDING SOLAR THERMAL
24 EQUIPMENT, SHALL NOT BE ELIGIBLE FOR A LOAN OR GRANT UNDER
25 THIS SUBSECTION.

26 (B) RENEWABLES.--THE SUM OF \$25,000,000 SHALL BE ALLOCATED
27 BY THE AUTHORITY FOR LOANS OR GRANTS TO PROJECTS RELATED TO
28 GEOTHERMAL TECHNOLOGIES, INCLUDING GEOTHERMAL HEAT PUMP SYSTEMS
29 THAT USE THE GROUND, GROUND WATER AND UNDERGROUND MINE WATER AS
30 A THERMAL ENERGY SOURCE, OR WIND ENERGY PROJECTS, INCLUDING

1 MANUFACTURING FACILITIES FOR WIND TURBINES AND OTHER ENERGY
2 COMPONENTS.

3 (C) HIGH PERFORMANCE BUILDINGS.--

4 (1) THE SUM OF \$25,000,000 SHALL BE ALLOCATED BY THE
5 AUTHORITY FOR LOANS OR GRANTS TO ONE OF THE FOLLOWING TO MEET
6 ENERGY EFFICIENT STANDARDS UNDER PARAGRAPH (2):

7 (I) A SMALL BUSINESS FOR THE CONSTRUCTION OR
8 RENOVATION OF A BUILDING FOR THE USE OF THE SMALL
9 BUSINESS.

10 (II) AN INDIVIDUAL FOR THE CONSTRUCTION OR
11 RENOVATION OF A DWELLING IF THE INDIVIDUAL DOES OR WILL
12 OCCUPY THE DWELLING AS HIS PRIMARY RESIDENCE.

13 (2) THE DEPARTMENT OF GENERAL SERVICES SHALL ADOPT
14 STANDARDS FOR THE CERTIFICATION OF A HIGH PERFORMANCE
15 BUILDING UNDER THIS ACT, TO INCLUDE THE FOLLOWING:

16 (I) ESTABLISHING HIGH PERFORMANCE, NATIONALLY
17 RECOGNIZED CATEGORIES TO ACHIEVE THE FOLLOWING:

18 (A) OPTIMIZE THE ENERGY PERFORMANCE OF
19 BUILDINGS.

20 (B) INCREASE THE USE OF AND DEMAND FOR
21 ENVIRONMENTALLY PREFERABLE BUILDING MATERIALS,
22 FURNISHINGS AND FINISHES.

23 (C) IMPROVE ENVIRONMENTAL QUALITY AND CONSERVE
24 NATURAL RESOURCES IN THIS COMMONWEALTH.

25 (D) SELECT APPROPRIATE SITES.

26 (E) REDUCE POLLUTANTS AND WASTE GENERATION.

27 (F) OTHER CRITERIA AS REQUIRED BY THE DEPARTMENT
28 OF GENERAL SERVICES.

29 (II) REQUIRE DOCUMENTATION TO SUBSTANTIATE
30 COMPLIANCE WITH THE GUIDELINES.

1 (III) REQUIRE THIRD-PARTY, POSTCONSTRUCTION REVIEW
2 AND VERIFICATION.

3 (D) OTHER SOLAR PROJECTS.--THE SUM OF \$80,000,000 SHALL BE
4 ALLOCATED BY THE AUTHORITY FOR GRANTS AND LOANS FOR ALTERNATIVE
5 ENERGY PRODUCTION PROJECTS RELATED TO SOLAR ENERGY.

6 (E) ELIGIBILITY.--IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS
7 UNDER THIS SECTION, AN APPLICANT MUST PROVIDE THE AUTHORITY WITH
8 THE FOLLOWING:

9 (1) A DETAILED DESCRIPTION OF THE PROJECT, INCLUDING THE
10 PROPOSED USE OF FUNDS AND AN EXPLANATION OF HOW THE PROJECT
11 WILL FULFILL THE GOALS OF THIS ACT.

12 (2) IDENTIFICATION OF THE NUMBER OF CURRENT EMPLOYEES
13 AND AN ESTIMATE OF ANY FUTURE EMPLOYMENT OPPORTUNITIES.

14 (3) THE COST OF THE PROJECT.

15 (4) A DESCRIPTION OF HOW THE PROJECT WILL REDUCE THE
16 COMMONWEALTH'S RELIANCE ON NONRENEWABLE ENERGY.

17 (5) ANY OTHER INFORMATION REQUIRED BY THE AUTHORITY.

18 (F) ELIGIBILITY OF ALTERNATIVE ENERGY PRODUCTION PROJECT.--
19 IN ORDER TO BE ELIGIBLE FOR FUNDING UNDER THIS CHAPTER, AN
20 ALTERNATIVE ENERGY PRODUCTION PROJECT SHALL HAVE A USEFUL LIFE
21 OF AT LEAST FOUR YEARS AND SHALL BE LOCATED IN THIS
22 COMMONWEALTH.

23 (G) LIMITATION.--A GRANT OR LOAN FOR A PROJECT UNDER THIS
24 SECTION SHALL NOT EXCEED \$30,000,000.

25 (H) PROJECT REVIEW.--THE AUTHORITY SHALL REVIEW AND PREPARE
26 AN ASSESSMENT OF EACH APPLICATION AND DETERMINE WHICH PROJECTS
27 WILL BEST UTILIZE AND PROMOTE THE USE OF ALTERNATIVE ENERGY AND
28 PROMOTE ENERGY CONSERVATION IN THIS COMMONWEALTH. PROJECTS SHALL
29 BE AWARDED IN ACCORDANCE WITH 64 PA.C.S. § 1512 (RELATING TO
30 BOARD). THE DEPARTMENT OR THE DEPARTMENT OF COMMUNITY AND

1 ECONOMIC DEVELOPMENT SHALL PROVIDE TECHNICAL ASSISTANCE AS
2 APPROPRIATE.

3 (I) REPORTING.--THE AUTHORITY SHALL PROVIDE AN ANNUAL REPORT
4 TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
5 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
6 OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES
7 BY OCTOBER 1, 2009, AND OCTOBER 1 OF EACH YEAR THEREAFTER. THE
8 REPORT SHALL BE POSTED AND MAINTAINED ON THE AUTHORITY'S
9 OFFICIAL INTERNET WEBSITE AND SHALL INCLUDE:

10 (1) A LIST OF ALL LOANS AND GRANTS APPROVED AND LOANS
11 REPAID DURING THE PREVIOUS FISCAL YEAR, INCLUDING THE NAME
12 AND ADDRESS OF EACH RECIPIENT, THE AMOUNT OF THE LOAN OR
13 GRANT AND A DETAILED DESCRIPTION OF EACH APPROVED PROJECT.

14 (2) THE ESTIMATED ENERGY BENEFITS TO DATE FOR ALL
15 PROJECTS RECEIVING FUNDING DURING THAT FISCAL YEAR, INCLUDING
16 AN EXPLANATION OF THE METHOD USED TO ARRIVE AT THE ESTIMATED
17 SAVINGS.

18 (3) RECOMMENDATIONS REGARDING ANY POTENTIAL AMENDMENTS
19 TO THIS ACT TO INCLUDE NEW ENERGY TECHNOLOGIES THAT PROVIDE
20 ALTERNATIVE ENERGY SOURCES THAT ENCOURAGE OR PROMOTE ENERGY
21 INDEPENDENCE.

22 (4) A DESCRIPTION OF HOW THE PROGRAM WILL SAVE ENERGY IN
23 THIS COMMONWEALTH.

24 (J) ADMINISTRATIVE ASSISTANCE.--THE DEPARTMENT OF COMMUNITY
25 AND ECONOMIC DEVELOPMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT TO
26 THE AUTHORITY.

27 (K) ADMINISTRATIVE COSTS.--NO MORE THAN 1% OF FUNDS
28 ALLOCATED UNDER THIS SECTION SHALL BE USED BY THE AUTHORITY FOR
29 ADMINISTRATIVE COSTS.

30

CHAPTER 5

1 CONSUMER ENERGY PROGRAM

2 SECTION 501. PROGRAM.

3 THERE IS ESTABLISHED IN THE DEPARTMENT A CONSUMER ENERGY
4 PROGRAM TO PROVIDE LOANS, GRANTS, REIMBURSEMENTS AND REBATES TO
5 INDIVIDUALS AND SMALL BUSINESSES IN ACCORDANCE WITH THIS
6 CHAPTER.

7 SECTION 502. APPROPRIATION.

8 FOLLOWING THE EXPIRATION OF ONE OR MORE GENERATION RATE CAPS
9 ESTABLISHED IN AN ELECTRIC UTILITY RESTRUCTURING PROCEEDING
10 UNDER 66 PA.C.S. § 2804(4) (RELATING TO STANDARDS FOR
11 RESTRUCTURING OF ELECTRIC INDUSTRY), THE FOLLOWING SUMS SHALL BE
12 APPROPRIATED ANNUALLY FROM THE GENERAL FUND TO THE DEPARTMENT
13 FOR ALLOCATION UNDER SECTION 503:

14 (1) FOR FISCAL YEARS 2008-2009 THROUGH 2011-2012,
15 \$15,000,000.

16 (2) FOR FISCAL YEAR 2012-2013, \$12,000,000.

17 (3) FOR FISCAL YEARS 2013-2014 AND 2014-2015,
18 \$10,000,000.

19 (4) FOR FISCAL YEAR 2015-2016, \$8,000,000.

20 SECTION 503. ALLOCATION.

21 MONEY APPROPRIATED UNDER SECTION 502 SHALL BE USED BY THE
22 DEPARTMENT FOR THE CONSUMER ENERGY PROGRAM AS FOLLOWS:

23 (1) THE SUM OF \$92,500,000 SHALL BE USED FOR LOANS,
24 GRANTS, REIMBURSEMENTS OR REBATES FROM FUNDS AVAILABLE UNDER
25 SECTION 502 TO INDIVIDUALS RESIDING IN OWNER-OCCUPIED
26 DWELLINGS OR TO SMALL BUSINESSES FOR THE PURCHASE AND
27 INSTALLATION PRICE OF CONSUMER ENERGY CONSERVATION PROJECTS.
28 AN APPLICANT SHALL BE ELIGIBLE FOR UP TO 25% OF THE PURCHASE
29 AND INSTALLATION PRICE OF A CONSUMER ENERGY CONSERVATION
30 PROJECT. A SOLAR ENERGY PROJECT SHALL NOT BE ELIGIBLE FOR A

1 LOAN OR GRANT UNDER THIS PARAGRAPH.

2 (2) IN FISCAL YEAR 2008-2009, THE SUM OF \$5,000,000
3 SHALL BE TRANSFERRED TO THE HOME ENERGY EFFICIENCY LOAN FUND
4 ESTABLISHED UNDER SECTION 605(A).

5 (3) THE SUM OF \$2,500,000 FROM FUNDS AVAILABLE UNDER
6 SECTION 502 SHALL BE USED FOR LOANS OR GRANTS TO INDIVIDUALS
7 OR SMALL BUSINESSES FOR THE PURCHASE AND INSTALLATION OF DATA
8 CENTER CONSOLIDATION PROJECTS.

9 SECTION 504. STANDARDS.

10 (A) CONSUMER ENERGY CONSERVATION PROJECTS.--THE DEPARTMENT
11 SHALL DEVELOP AND PUBLISH PERFORMANCE STANDARDS FOR CONSUMER
12 ENERGY CONSERVATION PROJECTS. IN ORDER TO BE ELIGIBLE FOR A
13 LOAN, GRANT, REIMBURSEMENT OR REBATE UNDER THIS CHAPTER, THE
14 PROJECT MUST COMPLY WITH THE APPROPRIATE STANDARD.

15 (B) PUBLICATION.--THE INFORMATION REQUIRED UNDER SUBSECTION
16 (A) SHALL BE POSTED AND MAINTAINED ON THE DEPARTMENT'S INTERNET
17 WEBSITE.

18 SECTION 505. GUIDELINES.

19 THE DEPARTMENT SHALL PUBLISH GUIDELINES IN THE PENNSYLVANIA
20 BULLETIN RELATING TO THE FOLLOWING:

21 (1) ELIGIBILITY OF APPLICANT.

22 (2) TYPES OF PRODUCTS AND CONSUMER ENERGY CONSERVATION
23 PROJECTS ELIGIBLE UNDER THIS CHAPTER.

24 SECTION 506. REPORTING.

25 BY OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE A
26 REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
27 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
28 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
29 OF REPRESENTATIVES. THE REPORT SHALL INCLUDE:

30 (1) PROGRAM GUIDELINES;

- 1 (1) AIR SEALING, INSULATION AND DUCT WORK.
- 2 (2) ENERGY EFFICIENT WINDOWS AND DOORS.
- 3 (3) ENERGY EFFICIENT HEATING OR COOLING SYSTEMS OR
- 4 REPAIRS.
- 5 (4) ROOFING REPAIR, REPLACEMENT OR IMPROVEMENTS.

6 "FULL-TIME UNDERGRADUATE STUDENT." AN INDIVIDUAL ENROLLED
7 FOR AT LEAST 12 CREDIT HOURS PER SEMESTER AT AN INSTITUTION OF
8 HIGHER EDUCATION.

9 "FUND." THE HOME ENERGY EFFICIENCY LOAN FUND ESTABLISHED
10 UNDER SECTION 605.

11 "HOME ENERGY EFFICIENCY LOAN." A LOW-INTEREST RATE LOAN
12 AWARDED UNDER THIS CHAPTER.

13 SECTION 603. HOME ENERGY EFFICIENCY LOAN PROGRAM.

14 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A HOME ENERGY
15 EFFICIENCY LOAN PROGRAM WHICH SHALL BE ADMINISTERED BY THE
16 AGENCY. THE PROGRAM SHALL PROVIDE LOANS TO ELIGIBLE HOUSEHOLDS
17 FOR ENERGY EFFICIENCY PROJECTS.

18 (B) HOUSEHOLD ELIGIBILITY.--DWELLING UNITS THAT ARE OWNER-
19 OCCUPIED AND HAVE AN ADJUSTED GROSS INCOME, AS DETERMINED BY THE
20 MOST CURRENT FEDERAL TAX RETURNS OF ALL ADULT HOUSEHOLD MEMBERS,
21 THAT DOES NOT EXCEED 150% OF THE GREATER OF THE CURRENT
22 STATEWIDE OR AREA MEDIAN INCOME (AMI) AS ESTABLISHED BY THE
23 FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE
24 COUNTY IN WHICH THE HOME IS LOCATED.

25 (C) APPLICATIONS.--AN INDIVIDUAL MAY SUBMIT AN APPLICATION
26 TO THE AGENCY REQUESTING A LOAN. THE APPLICATION SHALL BE ON THE
27 FORM REQUIRED BY THE AGENCY AND SHALL INCLUDE OR DEMONSTRATE ALL
28 OF THE FOLLOWING:

- 29 (1) THE APPLICANT'S NAME AND ADDRESS.
- 30 (2) THE IDENTITY OF THE APPROVED CONTRACTOR WHO WILL

1 COMPLETE THE ENERGY EFFICIENCY PROJECT.

2 (3) A DESCRIPTION OF THE ENERGY EFFICIENCY PROJECT AND
3 AN ESTIMATE OF THE COST OF THE PROJECT, INCLUDING AN ITEMIZED
4 LIST OF PROJECT COSTS, PREPARED BY THE APPROVED CONTRACTOR
5 IDENTIFIED UNDER PARAGRAPH (2).

6 (4) THE AMOUNT OF THE LOAN SOUGHT.

7 (5) A STATEMENT AUTHORIZING THE AGENCY TO CONDUCT A
8 CREDIT HISTORY CHECK.

9 (6) ANY OTHER INFORMATION REQUIRED BY THE AGENCY.

10 (D) REVIEW OF PROJECT FINANCING APPLICATIONS.--THE AGENCY
11 SHALL REVIEW THE APPLICATION TO DETERMINE IF:

12 (1) THE PROJECT IS ELIGIBLE FOR FINANCING UNDER THIS
13 PROGRAM.

14 (2) THE APPLICANT IS ELIGIBLE TO RECEIVE A LOAN UNDER
15 THIS PROGRAM.

16 (3) THE VALUE OF THE PROPOSED COLLATERAL AND THE
17 FINANCIAL RESOURCES OF THE APPLICANT ARE SUFFICIENT TO REPAY
18 THE LOAN.

19 (4) THE STATEMENT OF THE ESTIMATED COST OF THE PROJECT
20 IS ACCURATE AND REASONABLE.

21 (5) THE APPLICANT COMPLIED WITH ALL OTHER CRITERIA
22 ESTABLISHED BY THE AGENCY.

23 (E) APPROVAL OF LOAN APPLICATIONS.--ONCE THE APPLICATION IS
24 DEEMED COMPLETE, THE AGENCY MAY APPROVE THE APPLICATION. THE
25 AGENCY SHALL HAVE COMPLETE DISCRETION IN DETERMINING WHETHER A
26 PROPOSED ENERGY EFFICIENCY PROJECT IS ELIGIBLE FOR A LOAN.

27 (F) SECURITY.--ALL LOANS AWARDED UNDER THIS ACT SHALL BE
28 SECURED BY A LIEN ON THE PROPERTY FOR WHICH THE LOAN WAS
29 APPROVED AND OTHER SUFFICIENT COLLATERAL AS DETERMINED BY THE
30 AGENCY.

1 (G) LIMITATIONS.--

2 (1) AN APPLICANT MAY NOT APPLY FOR A LOAN IN AN AMOUNT
3 LESS THAN \$1,000 NOR MORE THAN \$10,000.

4 (2) THE AGENCY SHALL NOT REQUIRE A LOAN TO BE REPAID IN
5 FULL WITHIN SIX MONTHS OF THE LOAN CLOSING DATE.

6 (3) THE INTEREST RATE SHALL BE A BELOW-MARKET, FIXED
7 INTEREST RATE, AS DETERMINED BY THE AGENCY.

8 (4) THE LOAN REPAYMENT PERIOD MAY NOT EXCEED TEN YEARS
9 WITH NO PREPAYMENT PENALTY.

10 SECTION 604. APPROVED CONTRACTORS.

11 (A) REGISTRATION REQUIRED.--NO CONTRACTOR MAY UNDERTAKE,
12 OFFER TO UNDERTAKE OR AGREE TO PERFORM ANY ENERGY EFFICIENCY
13 PROJECT TO BE FINANCED BY A LOAN ISSUED UNDER THIS PROGRAM
14 UNLESS THE CONTRACTOR IS APPROVED BY THE AGENCY.

15 (B) APPLICATION FOR ENROLLMENT.--A CONTRACTOR MAY APPLY TO
16 BECOME AN APPROVED CONTRACTOR BY FILING AN APPLICATION WITH THE
17 AGENCY. THE APPLICATION SHALL BE ON THE FORM PRESCRIBED BY THE
18 AGENCY AND SHALL INCLUDE OR DEMONSTRATE ALL OF THE FOLLOWING:

19 (1) FOR AN INDIVIDUAL APPLICANT, THE NAME, HOME ADDRESS,
20 HOME TELEPHONE NUMBER AND DRIVER'S LICENSE IDENTIFICATION
21 NUMBER OF THE APPLICANT OR AN IDENTIFICATION CARD ISSUED BY
22 THE DEPARTMENT OF TRANSPORTATION, AS WELL AS THE INDIVIDUAL'S
23 BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER IF DIFFERENT, AND
24 ALL PRIOR BUSINESS NAMES AND ADDRESSES OF HOME IMPROVEMENT
25 BUSINESSES.

26 (2) FOR A PARTNERSHIP APPLICANT, THE NAME, HOME ADDRESS,
27 HOME TELEPHONE NUMBER AND DRIVER'S LICENSE IDENTIFICATION
28 NUMBER OF EACH PARTNER AS WELL AS THE PARTNERSHIP NAME,
29 ADDRESS AND TELEPHONE NUMBER.

30 (3) FOR A CORPORATION, LIMITED LIABILITY COMPANY OR

1 LIMITED PARTNERSHIP APPLICANT, THE NAME, HOME ADDRESS, HOME
2 TELEPHONE NUMBER AND DRIVER'S LICENSE IDENTIFICATION NUMBER
3 OF EACH OFFICER, EACH DIRECTOR OR EACH INDIVIDUAL HOLDING
4 GREATER THAN A 5% STAKE IN THE BUSINESS, AS WELL AS THE
5 ENTITY'S BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER.

6 (4) FOR AN OUT-OF-STATE CORPORATION, LIMITED LIABILITY
7 COMPANY OR LIMITED PARTNERSHIP, THE NAME AND ADDRESS OF THE
8 ENTITY'S RESIDENT AGENT OR REGISTERED OFFICE PROVIDER WITHIN
9 THIS COMMONWEALTH AND ANY REGISTRATION NUMBER OR LICENSE
10 NUMBER ISSUED TO THE ENTITY BY ITS HOME STATE OR POLITICAL
11 SUBDIVISION OF THE OTHER STATE, IF APPLICABLE.

12 (5) FOR A JOINT VENTURE APPLICANT, THE NAME, ADDRESS AND
13 TELEPHONE NUMBER OF THE JOINT VENTURE, AS WELL AS THE NAME,
14 ADDRESS AND TELEPHONE NUMBER OF EACH PARTY TO THE JOINT
15 VENTURE. IF THE PARTIES TO A JOINT VENTURE INCLUDE BUSINESS
16 ENTITIES, THE INFORMATION REQUIRED FROM THE ENTITIES UNDER
17 THIS SUBSECTION SHALL ALSO BE PROVIDED.

18 (6) A COMPLETE DESCRIPTION OF THE NATURE OF THE
19 CONTRACTING BUSINESS OF THE APPLICANT, INCLUDING A STATEMENT
20 DEFINING THE SERVICE AREA OF THE BUSINESS.

21 (7) A STATEMENT WHETHER ANY OF THE FOLLOWING APPLY:

22 (I) THE INDIVIDUAL OR INDIVIDUALS MAKING
23 APPLICATION, EVEN IF DOING SO AS PART OF A BUSINESS
24 ENTITY APPLICATION, HAS EVER BEEN CONVICTED OF A CRIMINAL
25 OFFENSE RELATED TO A HOME IMPROVEMENT TRANSACTION, FRAUD,
26 THEFT, A CRIME OF DECEPTION OR A CRIME INVOLVING
27 FRAUDULENT BUSINESS PRACTICES.

28 (II) THE APPLICANT HAS EVER FILED A PETITION IN
29 BANKRUPTCY OR, WITHIN THE LAST TEN YEARS, RECEIVED A
30 FINAL CIVIL JUDGMENT ENTERED AGAINST THE APPLICANT OR

1 BUSINESSSES IN WHICH THE APPLICANT HELD AN INTEREST THAT
2 WAS RELATED TO A HOME IMPROVEMENT TRANSACTION.

3 (III) THE APPLICANT'S CERTIFICATE OR THE CERTIFICATE
4 OF A BUSINESS WITH WHICH THE PERSON MAKING APPLICATION
5 HELD AN INTEREST HAS EVER BEEN REVOKED OR SUSPENDED
6 PURSUANT TO AN ORDER ISSUED BY A COURT OF COMPETENT
7 JURISDICTION IN THIS COMMONWEALTH OR ANY OTHER STATE OR
8 POLITICAL SUBDIVISION THEREOF AND, IF SO, THE CURRENT
9 STATUS OF THE CERTIFICATE.

10 (8) WHETHER WITHIN THE LAST TEN YEARS THE APPLICANT HAS
11 BEEN SUSPENDED OR DEBARRED FROM PARTICIPATING IN ANY FEDERAL,
12 STATE OR LOCAL PROGRAM THROUGH WHICH PUBLIC FUNDING OR OTHER
13 ASSISTANCE IS PROVIDED TO CONSUMERS FOR HOME IMPROVEMENTS.

14 (9) PROOF OF LIABILITY INSURANCE COVERING PERSONAL
15 INJURY IN AN AMOUNT NOT LESS THAN \$50,000 AND INSURANCE
16 COVERING PROPERTY DAMAGE CAUSED BY THE WORK OF THE CONTRACTOR
17 IN AN AMOUNT NOT LESS THAN \$50,000.

18 (C) APPROVAL OF APPLICATION.--UPON BEING SATISFIED THAT ALL
19 REQUIREMENTS HAVE BEEN MET, THE AGENCY MAY APPROVE THE
20 APPLICATION AND, IF APPROVED, DESIGNATE THE APPLICANT AS AN
21 APPROVED CONTRACTOR. THE AGENCY SHALL NOT APPROVE AN APPLICATION
22 IF ANY OF THE FOLLOWING CONDITIONS EXIST:

23 (1) THE INDIVIDUAL OR INDIVIDUALS MAKING APPLICATION,
24 EVEN IF DOING SO AS PART OF A BUSINESS ENTITY APPLICATION,
25 HAS EVER BEEN CONVICTED OF A CRIMINAL OFFENSE RELATED TO A
26 HOME IMPROVEMENT TRANSACTION, FRAUD, THEFT, A CRIME OF
27 DECEPTION OR A CRIME INVOLVING FRAUDULENT BUSINESS PRACTICES.

28 (2) THE APPLICANT HAS EVER BEEN SUSPENDED OR DEBARRED
29 FROM PARTICIPATING IN ANY FEDERAL, STATE OR LOCAL PROGRAM
30 THROUGH WHICH PUBLIC FUNDING OR OTHER ASSISTANCE IS PROVIDED

1 TO CONSUMERS FOR HOME IMPROVEMENTS.

2 SECTION 605. HOME ENERGY EFFICIENCY LOAN FUND.

3 (A) ESTABLISHMENT.--MONEY TRANSFERRED TO THE AGENCY UNDER
4 SECTION 503(2) SHALL BE DEPOSITED INTO A RESTRICTED RECEIPTS
5 ACCOUNT TO BE KNOWN AS THE HOME ENERGY EFFICIENCY LOAN FUND, AND
6 USED IN ASSOCIATION WITH LOANS AWARDED BY THE AGENCY UNDER THIS
7 PROGRAM.

8 (B) REVOLVING LOAN FUND.--PROCEEDS OF BONDS ISSUED TO FUND
9 THE LOANS AUTHORIZED UNDER THIS CHAPTER AND ANY MONEYS RECEIVED
10 AS LOAN REPAYMENTS, OR MONEYS OTHERWISE MADE AVAILABLE TO THE
11 FUND, SHALL BE DEPOSITED IN THE FUND AND MADE AVAILABLE FOR
12 ADDITIONAL LOANS. NO MORE THAN 1% OF THE FUNDS MAY BE USED FOR
13 REASONABLE ADMINISTRATIVE COSTS.

14 SECTION 606. ANNUAL REPORT.

15 (A) CONTENTS.--ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE
16 AGENCY SHALL PREPARE A REPORT EVALUATING THE LOANS AWARDED UNDER
17 THIS CHAPTER DURING THE PREVIOUS FISCAL YEAR. THE REPORT SHALL
18 BE SUBMITTED TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
19 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
20 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
21 OF REPRESENTATIVES AND INCLUDE THE FOLLOWING, LISTED BY COUNTY
22 WHERE APPROPRIATE:

23 (1) THE TOTAL NUMBER OF APPLICATIONS RECEIVED AND LOANS
24 AWARDED.

25 (2) THE DATE OF APPROVAL OF EACH LOAN, INCLUDING THE
26 ORIGINAL PRINCIPAL BALANCE, THE INTEREST RATE AND THE
27 REPAYMENT PERIOD.

28 (3) A BRIEF DESCRIPTION OF THE ENERGY EFFICIENCY PROJECT
29 FOR WHICH THE LOAN WAS MADE.

30 (4) ANY RECOMMENDATION TO THE GENERAL ASSEMBLY FOR

1 IMPROVEMENTS IN THE PROGRAM.

2 (5) ANY OTHER INFORMATION DEEMED BY THE AGENCY TO BE
3 RELEVANT OR NECESSARY TO COMPLETE A COMPREHENSIVE REVIEW OF
4 THE PROGRAM, PROVIDED THAT PERSONAL INFORMATION OF INDIVIDUAL
5 LOAN RECIPIENTS SHALL BE CONSIDERED CONFIDENTIAL AND NOT
6 SUBJECT TO DISCLOSURE.

7 (6) A DESCRIPTION OF THE ENERGY SAVINGS RESULTING FROM
8 THE PROJECT.

9 (B) REPORT POSTING.--THE AGENCY SHALL POST AND MAINTAIN THE
10 REPORT ON THE AGENCY'S INTERNET WEBSITE.

11 SECTION 607. AGENCY GUIDELINES.

12 THE AGENCY SHALL PROMULGATE GUIDELINES NECESSARY FOR THE
13 ADMINISTRATION AND ENFORCEMENT OF THIS ACT, WHICH SHALL BE
14 PUBLISHED BY THE AGENCY IN THE PENNSYLVANIA BULLETIN WITHIN 90
15 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

16 CHAPTER 7

17 ALTERNATIVE ENERGY PRODUCTION TAX CREDIT PROGRAM

18 SECTION 701. ESTABLISHMENT.

19 THERE IS ESTABLISHED THE ALTERNATIVE ENERGY PRODUCTION TAX
20 CREDIT PROGRAM.

21 SECTION 702. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ALTERNATIVE ENERGY PRODUCTION TAX CREDIT." THE CREDIT
26 PROVIDED FOR UNDER THIS CHAPTER.

27 "PASS-THROUGH ENTITY." A PARTNERSHIP AS DEFINED UNDER
28 SECTION 301(N.0) OF THE TAX REFORM CODE OF 1971, OR A
29 PENNSYLVANIA S CORPORATION AS DEFINED UNDER SECTION 301(N.1) OF
30 THE TAX REFORM CODE OF 1971.

1 "QUALIFIED TAX LIABILITY." THE LIABILITY FOR TAXES IMPOSED
2 UNDER ARTICLE III, IV OR VI OF THE TAX REFORM CODE OF 1971. THE
3 TERM DOES NOT INCLUDE ANY TAX WITHHELD BY AN EMPLOYER FROM AN
4 EMPLOYEE UNDER ARTICLE III OF THE TAX REFORM CODE OF 1971.

5 "TAXPAYER." AN ENTITY SUBJECT TO TAX UNDER ARTICLE III, IV
6 OR VI OF THE TAX REFORM CODE OF 1971.

7 SECTION 703. ELIGIBLE APPLICANTS.

8 (A) GENERAL RULE.--A TAXPAYER WHO DEVELOPS OR CONSTRUCTS AN
9 ALTERNATIVE ENERGY PRODUCTION PROJECT LOCATED IN THIS
10 COMMONWEALTH WITH A USEFUL LIFE OF AT LEAST FOUR YEARS MAY APPLY
11 FOR AN ALTERNATIVE ENERGY PRODUCTION TAX CREDIT AS PROVIDED
12 UNDER THIS CHAPTER. BY SEPTEMBER 15, 2009, A TAXPAYER MUST
13 SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM PRESCRIBED BY
14 THE DEPARTMENT, SETTING FORTH THE AMOUNT OF THE INVESTMENT IN AN
15 ALTERNATIVE ENERGY PRODUCTION PROJECT THAT WAS MADE IN THE
16 TAXABLE YEAR THAT ENDED IN THE PRIOR CALENDAR YEAR.

17 (B) APPLICATION.--AN APPLICATION SHALL BE DEVELOPED BY THE
18 DEPARTMENT AND SHALL INCLUDE:

19 (1) TYPE AND LOCATION OF THE ALTERNATIVE ENERGY
20 PRODUCTION PROJECT.

21 (2) TOTAL COST OF THE ALTERNATIVE ENERGY PRODUCTION
22 PROJECT.

23 (3) ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE
24 DEPARTMENT.

25 SECTION 704. AWARD OF TAX CREDITS.

26 (A) QUALIFICATION.--A TAXPAYER THAT IS ELIGIBLE UNDER
27 SECTION 703 SHALL RECEIVE AN ALTERNATIVE ENERGY PRODUCTION TAX
28 CREDIT FOR THE TAXABLE YEAR IN AN AMOUNT EQUAL TO 15% OF THE
29 TOTAL AMOUNT OF ALL DEVELOPMENT, EQUIPMENT AND CONSTRUCTION
30 COSTS PAID FOR ALTERNATIVE ENERGY PRODUCTION PROJECTS, NOT TO

1 EXCEED \$1,000,000 FOR EACH TAXPAYER, IN THE TAXABLE YEAR TO BE
2 APPLIED AGAINST THE TAXPAYER'S QUALIFIED TAX LIABILITY.

3 (B) CALCULATION.--IN CALCULATING THE TOTAL AMOUNT OF ALL
4 DEVELOPMENT, EQUIPMENT AND CONSTRUCTION COSTS PAID FOR
5 ALTERNATIVE ENERGY PRODUCTION PROJECTS, THE TAXPAYER SHALL
6 DEDUCT THE AMOUNT OF ANY GRANT OR OTHER SUBSIDY RECEIVED IN
7 RELATION TO THE ALTERNATIVE ENERGY PRODUCTION PROJECT FOR WHICH
8 THE CREDIT IS SOUGHT BY THE TAXPAYER FROM A FEDERAL, STATE OR
9 LOCAL GOVERNMENT ENTITY, INCLUDING AN AUTHORITY.

10 (C) NOTIFICATION OF APPLICANT.--THE DEPARTMENT SHALL WITHIN
11 90 DAYS OF RECEIPT REVIEW EACH APPLICATION AND NOTIFY THE
12 APPLICANT WHETHER OR NOT THE APPLICANT IS APPROVED FOR A TAX
13 CREDIT.

14 (D) NOTIFICATION OF DEPARTMENT OF REVENUE.--UPON
15 DETERMINATION BY THE DEPARTMENT THAT AN APPROVED APPLICANT HAS
16 INCURRED COSTS FOR AN ALTERNATIVE ENERGY PRODUCTION PROJECT, THE
17 DEPARTMENT OF REVENUE SHALL ISSUE TO AN APPLICANT A TAX
18 CERTIFICATE THAT SETS FORTH THE AMOUNT OF ALTERNATIVE ENERGY
19 PRODUCTION TAX CREDIT APPROVED FOR THE ELIGIBLE APPLICANT.
20 SECTION 705. CARRYOVER, REFUND, ASSIGNMENT AND CARRYBACK OF
21 CREDIT.

22 (A) CARRYOVER.--IF THE TAXPAYER CANNOT USE THE ENTIRE AMOUNT
23 OF THE ALTERNATIVE ENERGY PRODUCTION TAX CREDIT FOR THE TAXABLE
24 YEAR IN WHICH THE ALTERNATIVE ENERGY PRODUCTION TAX CREDIT IS
25 FIRST APPROVED, THE EXCESS MAY BE CARRIED OVER TO SUCCEEDING
26 TAXABLE YEARS AND USED AS A CREDIT AGAINST THE QUALIFIED TAX
27 LIABILITY OF THE TAXPAYER FOR THOSE TAXABLE YEARS. EACH TIME
28 THAT THE ALTERNATIVE ENERGY PRODUCTION TAX CREDIT IS CARRIED
29 OVER TO A SUCCEEDING TAXABLE YEAR, IT IS TO BE REDUCED BY THE
30 AMOUNT THAT WAS USED AS A CREDIT DURING THE IMMEDIATELY

1 PRECEDING TAXABLE YEAR. THE ALTERNATIVE ENERGY PRODUCTION TAX
2 CREDIT PROVIDED UNDER THIS CHAPTER MAY BE CARRIED OVER AND
3 APPLIED TO SUCCEEDING TAXABLE YEARS FOR NO MORE THAN FIVE
4 TAXABLE YEARS FOLLOWING THE FIRST TAXABLE YEAR FOR WHICH THE
5 TAXPAYER WAS ENTITLED TO CLAIM THE CREDIT.

6 (B) APPLICATION.--AN ALTERNATIVE ENERGY PRODUCTION TAX
7 CREDIT APPROVED BY THE DEPARTMENT IN A TAXABLE YEAR FIRST SHALL
8 BE APPLIED AGAINST THE TAXPAYER'S QUALIFIED TAX LIABILITY FOR
9 THE CURRENT TAXABLE YEAR AS OF THE DATE ON WHICH THE CREDIT WAS
10 APPROVED BEFORE THE ALTERNATIVE ENERGY PRODUCTION TAX CREDIT IS
11 APPLIED AGAINST ANY TAX LIABILITY UNDER SUBSECTION (A).

12 (C) CARRYBACK AND REFUND.--A TAXPAYER IS NOT ENTITLED TO
13 CARRY BACK OR OBTAIN A REFUND OF AN UNUSED ALTERNATIVE ENERGY
14 PRODUCTION TAX CREDIT.

15 (D) SALE OR ASSIGNMENT.--

16 (1) A TAXPAYER, UPON APPLICATION TO AND APPROVAL BY THE
17 DEPARTMENT, MAY SELL OR ASSIGN, IN WHOLE OR IN PART, AN
18 ALTERNATIVE ENERGY PRODUCTION PROJECT TAX CREDIT GRANTED TO
19 THE TAXPAYER UNDER THIS CHAPTER IF NO CLAIM FOR ALLOWANCE OF
20 THE CREDIT IS FILED WITHIN ONE YEAR FROM THE DATE THE CREDIT
21 IS APPROVED BY THE DEPARTMENT AND THE DEPARTMENT OF REVENUE
22 UNDER THIS ACT. THE DEPARTMENT, IN CONSULTATION WITH THE
23 DEPARTMENT OF REVENUE, SHALL ESTABLISH GUIDELINES FOR THE
24 APPROVAL OF APPLICATIONS UNDER THIS SUBSECTION.

25 (2) BEFORE AN APPLICATION IS APPROVED, THE DEPARTMENT OF
26 REVENUE MUST MAKE A FINDING THAT THE APPLICANT HAS FILED ALL
27 REQUIRED STATE TAX REPORTS AND RETURNS FOR ALL APPLICABLE
28 TAXABLE YEARS AND PAID ANY BALANCE OF STATE TAX DUE.

29 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
30 DEPARTMENT OF REVENUE SHALL ASSESS THE TAX OF AN APPLICANT

1 UNDER THIS SUBSECTION WITHIN 120 DAYS OF THE FILING OF ALL
2 REQUIRED FINAL RETURNS OR REPORTS IN ACCORDANCE WITH SECTION
3 806.1(A)(5) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
4 KNOWN AS THE FISCAL CODE.

5 (E) PURCHASERS AND ASSIGNEES.--THE PURCHASER OR ASSIGNEE OF
6 ALL OR A PORTION OF A TAX CREDIT UNDER SUBSECTION (D) SHALL
7 IMMEDIATELY CLAIM THE CREDIT IN THE TAXABLE YEAR IN WHICH THE
8 PURCHASE OR ASSIGNMENT IS MADE. THE AMOUNT OF THE TAX CREDIT
9 THAT A PURCHASER OR ASSIGNEE MAY USE AGAINST ANY ONE QUALIFIED
10 TAX LIABILITY MAY NOT EXCEED 50% OF SUCH QUALIFIED TAX LIABILITY
11 FOR THE TAXABLE YEAR. THE PURCHASER OR ASSIGNEE MAY NOT CARRY
12 FORWARD, CARRY BACK OR OBTAIN A REFUND OF OR SELL OR ASSIGN THE
13 TAX CREDIT.

14 SECTION 706. LIMITATION ON TAX CREDITS.

15 (A) TOTAL.--THE TOTAL AMOUNT OF CREDITS APPROVED BY THE
16 DEPARTMENT SHALL NOT EXCEED:

17 (1) \$5,000,000 IN FISCAL YEARS 2008-2009 THROUGH 2011-
18 2012.

19 (2) \$8,000,000 IN FISCAL YEAR 2012-2013.

20 (3) \$10,000,000 IN FISCAL YEARS 2013-2014 THROUGH 2014-
21 2015.

22 (4) \$2,000,000 IN FISCAL YEAR 2015-2016.

23 (B) FORMULA.--IF THE TOTAL AMOUNT OF ALTERNATIVE ENERGY
24 PRODUCTION TAX CREDITS APPROVED FOR ALL TAXPAYERS EXCEEDS THE
25 AMOUNT ALLOCATED FOR THOSE CREDITS, THEN THE ALTERNATIVE ENERGY
26 PRODUCTION TAX CREDIT TO BE RECEIVED BY EACH APPLICANT SHALL BE
27 THE PRODUCT OF THE ALLOCATED AMOUNT MULTIPLIED BY THE QUOTIENT
28 OF THE ALTERNATIVE ENERGY PRODUCTION TAX CREDIT APPROVED FOR THE
29 APPLICANT DIVIDED BY THE TOTAL OF ALL ALTERNATIVE ENERGY
30 PRODUCTION TAX CREDITS APPROVED FOR ALL APPLICANTS, THE

1 ALGEBRAIC EQUIVALENT OF WHICH IS:

2 TAXPAYER'S ALTERNATIVE ENERGY PRODUCTION TAX CREDIT =
3 AMOUNT ALLOCATED FOR THOSE CREDITS X (ALTERNATIVE ENERGY
4 PRODUCTION TAX CREDIT APPROVED FOR THE APPLICANT/TOTAL OF
5 ALL ALTERNATIVE ENERGY PRODUCTION TAX CREDITS APPROVED
6 FOR ALL APPLICANTS).

7 SECTION 707. PASS-THROUGH ENTITY.

8 (A) GENERAL RULE.--IF A PASS-THROUGH ENTITY HAS ANY UNUSED
9 TAX CREDIT UNDER SECTION 705, THE ENTITY MAY ELECT, IN WRITING,
10 ACCORDING TO THE DEPARTMENT'S PROCEDURES, TO TRANSFER ALL OR A
11 PORTION OF THE CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS IN
12 PROPORTION TO THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME TO
13 WHICH THE SHAREHOLDER, MEMBER OR PARTNER IS ENTITLED.

14 (B) ADDITIONAL CREDIT AND LIMITATION.--THE CREDIT PROVIDED
15 UNDER SUBSECTION (A) IS IN ADDITION TO ANY ALTERNATIVE ENERGY
16 PRODUCTION TAX CREDIT TO WHICH A SHAREHOLDER, MEMBER OR PARTNER
17 OF A PASS-THROUGH ENTITY IS OTHERWISE ENTITLED UNDER THIS
18 CHAPTER. A PASS-THROUGH ENTITY AND A SHAREHOLDER, MEMBER OR
19 PARTNER OF A PASS-THROUGH ENTITY MAY NOT CLAIM A CREDIT UNDER
20 THIS CHAPTER FOR THE SAME ALTERNATIVE ENERGY PRODUCTION
21 INVESTMENT.

22 (C) APPLICATION.--A SHAREHOLDER, MEMBER OR PARTNER OF A
23 PASS-THROUGH ENTITY TO WHOM CREDIT IS TRANSFERRED UNDER
24 SUBSECTION (A) MUST IMMEDIATELY CLAIM THE CREDIT IN THE TAXABLE
25 YEAR IN WHICH THE TRANSFER IS MADE. THE SHAREHOLDER, MEMBER OR
26 PARTNER MAY NOT CARRY FORWARD, CARRY BACK, OBTAIN A REFUND OF OR
27 SELL OR ASSIGN THE CREDIT.

28 SECTION 708. REPORTING.

29 (A) GENERAL RULE.--NO LATER THAN SEPTEMBER 1 OF EACH YEAR,
30 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF REVENUE,

1 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY SUMMARIZING THE
2 EFFECTIVENESS OF THE TAX CREDIT PROVIDED UNDER THIS CHAPTER. THE
3 REPORT SHALL INCLUDE THE NAME OF EACH TAXPAYER UTILIZING THE
4 CREDIT AS OF THE DATE OF THE REPORT AND THE AMOUNT OF CREDITS
5 APPROVED FOR OR UTILIZED BY EACH TAXPAYER. THE REPORT MAY ALSO
6 INCLUDE RECOMMENDATION FOR CHANGES IN THE CALCULATION OR
7 ADMINISTRATION OF THE TAX CREDIT. THE REPORT SHALL BE SUBMITTED
8 TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
9 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF
10 THE FINANCE COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY
11 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
13 FINANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORT
14 SHALL INCLUDE THE FOLLOWING INFORMATION, WHICH SHALL BE
15 SEPARATED BY GEOGRAPHIC LOCATION WITHIN THIS COMMONWEALTH:

16 (1) THE AMOUNT OF CREDITS CLAIMED DURING THE FISCAL
17 YEAR.

18 (2) THE NUMBER OF ALTERNATIVE ENERGY PRODUCTION PROJECTS
19 RECEIVING A TAX CREDIT AND THE DOLLAR AMOUNT OF TAX CREDITS
20 GRANTED UNDER THIS CHAPTER IN THE AGGREGATE AND BY PROJECT.

21 (3) THE TYPES, LOCATIONS AND COSTS OF PROJECTS.

22 (4) THE TOTAL AMOUNT SPENT IN THIS COMMONWEALTH DURING
23 THE FISCAL YEAR BY EACH ALTERNATIVE ENERGY PRODUCTION
24 PROJECT.

25 (5) THE ESTIMATED BENEFITS OF THE PROJECTS IN CREATING
26 ALTERNATIVE ENERGY.

27 (6) THE TOTAL AMOUNT OF TAX REVENUES GENERATED IN THIS
28 COMMONWEALTH FROM ALTERNATIVE ENERGY PRODUCTION PROJECTS.

29 (7) THE TOTAL NUMBER OF JOBS CREATED DURING THE FISCAL
30 YEAR BY ALTERNATIVE ENERGY PRODUCTION PROJECTS.

1 (B) PUBLIC INFORMATION.--NOTWITHSTANDING ANY LAW PROVIDING
2 FOR CONFIDENTIALITY OF TAX RECORDS, THE FOLLOWING SHALL BE
3 PUBLIC INFORMATION:

4 (1) INFORMATION IN THE REPORT UNDER SUBSECTION (A) WHICH
5 SHALL BE POSTED ON THE INTERNET WEBSITES OF THE DEPARTMENT OF
6 REVENUE AND THE DEPARTMENT.

7 (2) THE IDENTITY OF EACH TAXPAYER UTILIZING A TAX CREDIT
8 UNDER THIS CHAPTER AND THE AMOUNT OF CREDITS APPROVED AND
9 UTILIZED BY EACH TAXPAYER WHICH SHALL BE MADE AVAILABLE
10 ANNUALLY, BEGINNING NO LATER THAN ONE YEAR AFTER THE CREDITS
11 WERE GRANTED.

12 SECTION 709. TERMINATION.

13 THE DEPARTMENT SHALL NOT APPROVE AN ALTERNATIVE ENERGY
14 PRODUCTION TAX CREDIT UNDER THIS CHAPTER FOR TAXABLE YEARS
15 ENDING AFTER DECEMBER 31, 2016.

16 SECTION 710. REGULATIONS.

17 THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF
18 REVENUE, SHALL PROMULGATE REGULATIONS NECESSARY FOR THE
19 IMPLEMENTATION AND ADMINISTRATION OF THIS CHAPTER.

20 SECTION 711. APPLICABILITY OF CHAPTER.

21 THIS CHAPTER SHALL APPLY AS FOLLOWS:

22 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THIS CHAPTER
23 SHALL APPLY TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31,
24 2007.

25 (2) THE TAX CREDIT UNDER THIS CHAPTER SHALL APPLY TO
26 ALTERNATIVE ENERGY PRODUCTION PROJECTS COMMENCING ON OR AFTER
27 THE EFFECTIVE DATE OF THIS SECTION.

28 CHAPTER 29

29 MISCELLANEOUS PROVISIONS

30 SECTION 2901. EFFECTIVE DATE.

1 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.