
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 61

Session of
1979

INTRODUCED BY F. TAYLOR, B. F. O'BRIEN, J. L. WRIGHT, JR., BURNS,
McCALL, COCHRAN, PRATT, FEE, CAPPABIANCA, BENNETT AND
CALTAGIRONE, FEBRUARY 5, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 1979

AN ACT

1 Creating the Pennsylvania Energy Council; prescribing its duties
2 and powers; providing for the payment of its expenses;
3 imposing duties upon Commonwealth departments, commissions
4 and other agencies and making an appropriation.

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

7 Section 1. Findings and declaration of policy.

8 The General Assembly finds as a fact that there is in
9 prospect for the indefinite future a shortage of all forms of
10 energy, including oil, natural gas and other fuels and the
11 electricity into which such fuels are sometimes converted; and
12 that such shortage is likely to curtail industrial activity,
13 increase unemployment and threaten the health, welfare and
14 comfort of citizens of the Commonwealth.

15 The future well-being of Pennsylvania makes it imperative
16 that the Commonwealth pursue a policy that will result in an
17 energy program that will provide adequate supply of power for
18 Pennsylvania.

1 The General Assembly declares that it is the policy of the
2 Commonwealth of Pennsylvania to make plans that will encourage
3 the future growth of power supplies and the development of our
4 natural resources so that the Commonwealth will progress
5 economically, ecologically and socially.

6 Because of the complexity of the problem, the diverse factors
7 that make up the solution and the need for a coordinated policy
8 that crosses departmental authority and local government
9 boundary lines, the General Assembly creates the Pennsylvania
10 Energy Council as the one authority that has jurisdiction over
11 the study of the development and growth of energy resources.

12 The council has authority to predict future energy needs of
13 the Commonwealth, to outline the course that needs to be pursued
14 to keep needs and available supply in balance, to enlist the aid
15 of the most competent persons in the energy field and maintain
16 continuous surveillance of energy conditions and to make
17 recommendations for legislation that would ameliorate or avert
18 future energy shortages.

19 The Pennsylvania Energy Council shall formulate a
20 comprehensive, integrated, long-range energy plan for the
21 Commonwealth and a program for the utilization of the
22 Commonwealth's fuel supplies that will meet the present and
23 future energy needs of the people of the Commonwealth.

24 Further, it is the policy of the Commonwealth of Pennsylvania
25 that individuals, interested groups, representatives of
26 governmental bodies, utility representatives and experts in the
27 field of energy participate in timely and meaningful public
28 hearings as part of the decision-making process in the formation
29 of such a program and in the selection of sites for facilities
30 and transmission routes.

1 It is further the policy of the Commonwealth of Pennsylvania
2 that every effort be made to make coal the primary source of
3 energy in Pennsylvania.

4 Section 2. Council established.

5 There is hereby created as an arm of the General Assembly a
6 Pennsylvania Energy Council composed of 15 members, consisting
7 of the Secretary of Commerce, the Secretary of Environmental
8 Resources, the Chairman of the Public Utility Commission or
9 their respective designees, two members of the State Senate who
10 shall be from different political parties and appointed by the
11 President pro tempore of the Senate, two members of the House of
12 Representatives, who shall be from different political parties
13 and appointed by the Speaker of the House and the following to
14 be appointed by the Governor: eight citizens, at least two of
15 which must be members of consumer or environmental groups and
16 four who shall be persons possessing knowledge and experience in
17 the supply and use of oil, gas, coal and electricity
18 respectively and two from the academic community who have
19 expertise in energy related fields. The terms of the members
20 appointed by the Governor shall be for three years each. Terms
21 of members of the General Assembly will be for two years each,
22 except that they shall not serve on the council if their term of
23 office has expired.

24 The Secretary of Commerce shall serve as temporary chairman
25 of the council and shall call the first meeting within 30 days
26 after this legislation shall become law. At the initial meeting
27 and at the first meeting each year thereafter the commission
28 shall elect one of its members as chairman, another as vice
29 chairman and a third as secretary. Members shall be reimbursed
30 for actual and necessary expenses. The commission may retain and

1 fix the salary and compensation for an executive director and
2 such professional, clerical and stenographic personnel as it may
3 require in accordance with the act of April 9, 1929 (P.L.177,
4 No.175), known as "The Administrative Code of 1929" and within
5 budgetary limitations.

6 Vacancies shall be filled for unexpired terms in the same
7 manner as original appointments.

8 Section 3. Compensation.

9 None of the members of the council shall receive a salary.
10 Expenses actually incurred shall be reimbursed by warrant,
11 signed by the executive director or the chairman of the council.

12 Section 4. Planning requirements.

13 (a) The council shall prepare, maintain and publish a
14 comprehensive, long-range and integrated energy resources plan
15 for the Commonwealth designed to meet the present and future
16 energy needs of the Commonwealth pursuant to this act, as
17 follows:

18 (1) The council shall deliver such a plan annually to
19 the General Assembly of the Commonwealth with the first such
20 plan being presented not more than one year from the
21 effective date of this act and such additional plans being
22 presented on or before the anniversary date of the first
23 plan.

24 (2) The plan shall include energy supply projections,
25 fuel supply projections, fuel supply locations and the need
26 for development of energy and fuel supplies in a timely,
27 efficient, ecological and economical manner.

28 (3) The plan shall include an inventory of potential
29 energy sites.

30 (4) The council shall, as part of its annual report,

1 recommend such legislation to the General Assembly as it
2 deems necessary.

3 (5) In order to formulate the plan the council may
4 require such information as necessary from such corporations,
5 cooperatives and municipal corporations as are active in the
6 field of power supply, energy or supply of fuel for power
7 supply as it may deem necessary and that the office may
8 prepare and distribute forms upon which such information
9 shall be produced.

10 (6) In order to formulate the plan, the council may
11 order such public hearings as it may deem necessary, but not
12 less than three in different parts of the Commonwealth each
13 year, take testimony, issue subpoenas under the seal of the
14 director commanding any person to appear at the hearings and
15 answer questions touching matters properly being inquired
16 into and to produce such books, papers, records and documents
17 as deemed necessary.

18 (7) In recognition of the diverse factors that enter
19 into the public hearings, the council shall invite all
20 interested citizens, groups and representatives of political
21 subdivisions and others interested to participate in the
22 public hearings.

23 (8) The council may request and shall receive from any
24 unit of local government or any department, board, bureau,
25 commission, office or other instrumentality of this
26 Commonwealth such assistance and data as it determines is
27 necessary or desirable in carrying out this act.

28 (9) In order to formulate such plan, the council shall
29 be authorized and empowered to undertake any studies,
30 inquiries or analysis as it may deem necessary through its

own personnel, in cooperation with any other private agency or through such contracts with such outside experts as it may deem necessary, provided that such contracts are made in accordance with the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929" and within budgetary limitations.

(b) The council may assist in the development of new methods of using the energy and fuel resources available within the Commonwealth. Special emphasis shall be placed on the development of coal as a fuel supply.

(c) The council shall coordinate programs and plans of corporations, cooperatives and municipal authorities in conjunction with power supplies and fuel resources.

(d) The council shall receive from the Council of Civil Defense plans to distribute emergency fuel supplies in the case of emergency with special emphasis on plans to supply hard-to-reach areas. In the event of such an emergency, the Council of Civil Defense, under the direction and control of the council, shall distribute emergency fuel supplies in accordance with said plan.

(e) The council is authorized to receive, expend and distribute all energy related grants and funds.

(f) The council is authorized to administer all Federal and State energy programs.

Section 5. Federal coordination.

The council shall cooperate with Federal and interstate authorities and is empowered to act as a coordinating agency with Federal and interstate authorities in planning for the future energy needs of the Commonwealth.

In the formulation of the plan, the council shall meet the

requirements of the Federal Energy Policy and Conservation Act (Public Law 94-163), and the Energy Conservation and Production Act (Public Law 94-385), and the following:

(1) Programs to promote carpools and public transportation.

(2) Mandatory lighting efficiency standards for public buildings.

(3) Mandatory thermal efficiency standards and insulation requirements on all buildings.

(4) Mandatory energy efficiency standards.

(5) Programs for energy conservation.

Section 6. Abolition.

The General Assembly hereby abolishes the Governor's Energy Council and all other such organizations within the government of the Commonwealth of Pennsylvania and transfers remaining appropriations from the Governor's Energy Council to the Pennsylvania Energy Council, along with all records, contracts, documents and similar material. All Federal Funds allocated to the Governor's Energy Council shall also be transferred.

Section 7. Appropriation.

All money previously appropriated to the Governor's Energy Council from all sources for the fiscal year 1977-1978 and remaining unspent shall be lapsed by the Budget Secretary on the effective date of this act and is hereby specifically reappropriated to the Pennsylvania Energy Council for the remainder of the fiscal year 1977-1978.

Section 8. Effective date.

This act shall take effect immediately.