

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 529

Session of  
1987

INTRODUCED BY STAIRS, J. L. WRIGHT, PETRARCA, BELFANTI, HALUSKA,  
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MAIALE, HOWLETT, BUNT, BOWSER, NOYE, LANGTRY AND WOZNIAK,  
MARCH 2, 1987

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
MARCH 2, 1987

### AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 energy development authority and emergency powers.

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

24 Section 1. Sections 2801-C and 2802-C of the act of April 9,  
25 1929 (P.L.177, No.175), known as The Administrative Code of

1 1929, added December 14, 1982 (P.L.1213, No.280), are amended to  
2 read:

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

7 "Authority" means the Energy Development Authority.

8 "Board" means the board of directors of the authority.

9 "Bond" or "Bonds" means notes, bonds, refunding or renewal  
10 notes and bonds and other evidence of indebtedness or  
11 obligations which the authority is authorized to issue.

12 "Cost" means the expense of construction and the expense of  
13 acquisition of all structures, lands and other property rights  
14 and interests in land necessary to a project. The term also  
15 includes the expense of demolishing, removing or relocating any  
16 buildings or structures on lands acquired or to be acquired,  
17 including the expense of acquiring any lands to which such  
18 buildings or structures may be moved or relocated; sewage  
19 treatment, waste treatment and pollution control facilities;  
20 railroad sidings, spurs or branch lines; all labor, materials,  
21 machinery and equipment, fixtures; financing charges; interest  
22 on all bonds prior to and during construction, and for a period  
23 of one year thereafter; engineering, financial and legal  
24 services; plans, specifications, studies, surveys necessary or  
25 incidental to determining the feasibility or practicability of  
26 constructing a project; administrative expenses; reserves for  
27 interest and for extension, enlargements, additions and  
28 improvements; and such other expenses as may be necessary or  
29 incidental to the construction of the project and the placing of  
30 the same in operation.

1       "Energy or fuel supply emergency" means a state of emergency,  
2 declared by proclamation of the Governor within twenty-four  
3 hours after the occurrence of an energy resource shortage or  
4 supply or distribution problem resulting because of an absence  
5 of availability or a critically reduced supply of any energy  
6 source, which cannot be satisfactorily alleviated or resolved by  
7 or under the authority of State regulatory authorities having  
8 jurisdiction over such energy resources, thereby jeopardizing  
9 the health, safety, welfare and economic well-being of the  
10 inhabitants of this Commonwealth.

11       "Energy resource" means any force or material which yields or  
12 has the potential to yield energy, including, but not limited  
13 to, electrical, fossil and nuclear sources.

14       "Person" means a natural person, corporation, partnership,  
15 association, and any municipality of this Commonwealth and any  
16 public corporation, authority or body whatsoever.

17       ["Petroleum product" includes motor gasoline, kerosene,  
18 distillates (including Number 2 fuel oil) and diesel fuel.]

19       "Project" means an activity, entirely or largely conducted in  
20 Pennsylvania, which cannot be effectively funded using privately  
21 available resources, relating to:

22       (1) basic and applied research concerning energy use,  
23 renewable energy resources and energy extraction, transmission,  
24 storage or conversion;

25       (2) limited scale demonstration of innovative or  
26 commercially unproven technology to promote the production, use  
27 or conservation of energy; or

28       (3) activities to promote or remove obstacles to the  
29 utilization and transportation of Pennsylvania energy resources,  
30 including but not limited to limited scale synthetic fuel

1 facilities and the conversion or technological improvement of  
2 industrial, commercial or agricultural systems to utilize  
3 Pennsylvania coal or renewable energy resources: Provided, That  
4 no such facility unreasonably interferes with private waste  
5 recycling industries.

6 "Renewable energy source" means any method, process or  
7 substance whose supply is rejuvenated through natural processes  
8 and, subject to those material processes, remains relatively  
9 constant, including, but not limited to, biomass conversion,  
10 geothermal energy, solar and wind energy and hydroelectric  
11 power, and excluding those sources of energy used in the fission  
12 and fusion processes.

13 Section 2802-C. [Emergency Petroleum Product Shortages.--(a)  
14 The Governor may, by executive order, proclaim a state of  
15 emergency based upon a finding that there impends or exists a  
16 substantial shortage of petroleum products available for use in  
17 Pennsylvania which poses a serious threat to health, safety or  
18 welfare of the public.] Energy or Fuel Supply Emergency.--(a)  
19 In the event that the threat or danger of an energy or fuel  
20 supply emergency is imminent, the Governor may, after  
21 consultation with the Lieutenant Governor, the Governor's Energy  
22 Council and the Pennsylvania Public Utility Commission, declare  
23 a state of energy or fuel supply emergency. A state of energy or  
24 fuel supply emergency shall remain in effect for the maximum  
25 period of ninety days and may be extended by the Governor unless  
26 the extension is disapproved by concurrent resolution adopted by  
27 both Houses of the General Assembly. A state of emergency may be  
28 declared for all or any portion of the Commonwealth.

29 [(b) Upon proclamation of a state of emergency, the Governor  
30 shall designate a State agency to conduct emergency allocation

1 measures during the period of the declared emergency. Emergency  
2 allocation measures may consist of:

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

5 (2) the implementation of a set aside program, for not more  
6 than one percent (1%) of the petroleum products available for  
7 use in Pennsylvania, to alleviate hardship or meet emergency  
8 needs. A set aside program shall be established in conformity  
9 with any Federal law, regulations or executive orders governing  
10 petroleum allocation, and shall apply only to petroleum products  
11 found to be in a substantial shortage;

12 (3) measures to reduce the demand for or consumption of  
13 gasoline; and

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

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

24 (d) The Governor may] (b) Upon proclamation of a state of  
25 emergency, the Governor shall have the power:

26 (1) To designate a state agency to conduct emergency  
27 petroleum allocation measures which may consist of any of the  
28 following:

29 (i) The administration of any emergency petroleum allocation  
30 powers delegated to the State by the President or any Federal

1 agency.

2 (ii) The implementation of a set-aside program, for not more  
3 than one per centum (1%) of the petroleum products available for  
4 use in Pennsylvania, to alleviate hardship or meet emergency  
5 needs. A set-aside program shall be established in conformity  
6 with any Federal law, regulations or executive orders governing  
7 petroleum allocation, and shall apply only to petroleum products  
8 found to be in a substantial shortage.

9 (iii) Measures to reduce the demand for or consumption of  
10 gasoline.

11 (iv) The adoption of rules and regulations in the manner  
12 provided by law. Any regulation adopted during a state of  
13 emergency shall be automatically rescinded upon the expiration  
14 of the emergency.

15 (v) Any other measures deemed necessary to protect the  
16 public health, safety and welfare.

17 (2) (i) To designate a state agency to monitor supplies of  
18 [petroleum products] energy resources available for use in the  
19 Commonwealth to determine whether there exists, or is likely to  
20 exist, an emergency shortage.

21 [(1)] (ii) In order to monitor supplies of [petroleum  
22 products] energy resources, the agency may require recordkeeping  
23 and periodic reports from [petroleum] energy resource suppliers.  
24 These reporting and recordkeeping requirements shall, to the  
25 maximum extent possible, employ Federally mandated reports and  
26 records, avoid any unnecessary duplicative reporting or  
27 recordkeeping, and minimize paperwork, recordkeeping and  
28 reporting requirements.

29 [(2)] (iii) Reports filed and records maintained pursuant to  
30 this subsection shall be deemed confidential.

1        [(3)] (iv) When [a petroleum] an energy resource supplier or  
2 a company providing information to [a petroleum] an energy  
3 resource supplier claims that the information requested by the  
4 agency is confidential, proprietary, market or trade secret  
5 information, or when the information is deemed confidential  
6 pursuant to this section, the agency shall not disclose such  
7 information publicly or to any other governmental agency unless  
8 the information is aggregated as part of a statistical report in  
9 which the data and individual companies supplying the data  
10 cannot be identified.

11       [(4)] (v) No employe or appointee of the agency or other  
12 person may release information from [a petroleum product] an  
13 energy resource company that would enable data provided by or  
14 relating to individual customers of the [petroleum] energy  
15 resource company to be identified as relating to or coming from  
16 the individual customer. Any person disclosing such information  
17 in violation of this section shall be guilty of a misdemeanor,  
18 shall be subject to disciplinary action, including reprimand,  
19 suspension or termination, and may be ordered to make  
20 restitution to any injured or aggrieved party for losses or  
21 damages shown.

22       [(5)] (vi) In order to obtain information required pursuant  
23 to this subsection, the agency designated by the Governor to  
24 monitor supplies of [petroleum products] energy resources may  
25 receive or share information from any other Commonwealth,  
26 Federal or local agency: Provided, That the agency shall provide  
27 the same confidentiality to information recovered as is provided  
28 by the supplying agency.

29       (3) To implement programs to encourage increased use of  
30 renewable energy sources.

1     (4) To suspend or modify existing state standards and  
2 requirements affecting or affected by the use of energy  
3 resources, including those related to air quality control.

4     (5) To order specific restrictions on the use and sale of  
5 energy resources, including, but not limited to:

6     (i) Restrictions on the interior temperature of public,  
7 commercial, industrial and school buildings.

8     (ii) Restrictions on the hours and days during which public,  
9 commercial, industrial and school buildings may be open.

10    (iii) Restrictions on lighting levels in public, commercial,  
11 industrial and school buildings.

12    (iv) Restrictions on the use of display and decorative  
13 lighting.

14    (v) Restrictions on the use of privately owned vehicles or a  
15 reduction in speed limits.

16    (vi) Restrictions on the use of public transportation,  
17 including directions to close a public transportation facility.

18    (vii) Restrictions on the use of pupil transportation  
19 programs operated by public schools.

20    (viii) Reduction in the number of elevators operating in  
21 office buildings during nonpeak hours.

22    (ix) Curtailment of nighttime sports, entertainment and  
23 recreational activities.

24    (x) Closing of public museums, art galleries and historic  
25 buildings.

26    (xi) Requiring Sunday closings of retail establishments,  
27 except for services essential to the public.

28    (xii) Requiring closing of all retail establishments during  
29 specified hours of the day, except for services essential to the  
30 public. Any restrictions ordered by the Governor shall be



1 automatically rescinded upon the expiration of the emergency.

2 (c) Any actions taken by the Governor pursuant to this  
3 section shall not conflict with prescribed curtailment  
4 procedures on file with the Pennsylvania Public Utility  
5 Commission.

6 (d) An executive order, proclamation or directive issued  
7 under this section shall be disseminated promptly by means  
8 calculated to bring its contents to the attention of the  
9 citizens of this Commonwealth and published in accordance with  
10 the law. The Governor shall notify the General Assembly promptly  
11 of an executive order, proclamation or directive issued under  
12 this act.

13 (e) Any person who knowingly violates any order,  
14 proclamation or directive issued by the Governor under this  
15 section commits a misdemeanor of the third degree and shall,  
16 upon conviction, be sentenced to pay a fine or not more the  
17 \$500. Each day of a continuing violation shall be a separate  
18 offense.

19 (f) Nothing in this act shall limit the authority of the  
20 Pennsylvania Public Utility Commission to regulate public  
21 utility service as provided in Title 66 of the Pennsylvania  
22 Consolidated Statutes (relating to public utilities).

23 Section 2. This act shall take effect immediately.