

AMENDMENTS TO SENATE BILL NO. 832

Sponsor: SENATOR BOSCOLA

Printer's No. 1277

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles 27 (Environmental Resources) and

4 Amend Bill, page 1, line 2, by inserting after "Statutes,"

5 adding provisions relating to energy resources; establishing

6 the Energy Department; providing for its powers and duties;

7 transferring powers and duties from other departments;

8 Amend Bill, page 1, line 3, by inserting after "Office"

9 ; and making repeals

10 Amend Bill, page 1, lines 6 and 7, by striking out all of

11 said lines and inserting

12 Section 1. Title 27 of the Pennsylvania Consolidated

13 Statutes is amended by adding a part to read:

14 PART IV-A

15 ENERGY RESOURCES

16 Chapter

17 51. Department of Energy

18 CHAPTER 51

19 DEPARTMENT OF ENERGY

20 Subchapter

21 A. Preliminary Provisions

22 C. Powers and Duties of Department

23 E. Defining Rulemaking Authority of Department of

24 Environmental Protection.

25 G. Miscellaneous Provisions

26 SUBCHAPTER A

27 PRELIMINARY PROVISIONS

28 Sec.

29 5101. Statement of purpose.

30 5102. Scope of chapter.

31 5103. Definitions.

32 § 5101. Statement of purpose.

33 (a) Intent.--It is the intent of the General Assembly and

1 the purpose of this chapter:

2 (1) To establish the Department of Energy of the
3 Commonwealth to exercise oversight over State energy
4 resources, policy, strategy, siting and programming.

5 (2) To transfer and consolidate powers and duties of
6 other administrative departments relating to energy to the
7 department.

8 § 5102. Scope of chapter.

9 This chapter relates to the Department of Energy.

10 § 5103. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Department." The Department of Energy of the Commonwealth
15 established in section 5121 (relating to establishment of
16 department).

17 "Plan." The State energy plan required under section 5122(a)
18 (relating to powers and duties).

19 "Secretary." The Secretary of Energy of the Commonwealth.

20 SUBCHAPTER C

21 POWERS AND DUTIES OF DEPARTMENT

22 Sec.

23 5121. Establishment of department.

24 5122. Powers and duties.

25 5123. Energy programs.

26 5124. Facility development.

27 5125. Advisory committees.

28 5126. Contracts and agreements.

29 5127. Transfer of funds.

30 5128. Transfer of administrative resources.

31 5129. Civil service status.

32 5130. Regulations.

33 § 5121. Establishment of department.

34 The Department of Energy is established as an administrative
35 department within the executive branch of the Commonwealth. The
36 department shall be headed by the secretary. The secretary shall
37 be appointed by the Governor, subject to the approval of a
38 majority of the members elected to the Senate.

39 § 5122. Powers and duties.

40 (a) State energy plan.--One year after the effective date of
41 this subsection, and each year thereafter, the department shall
42 publish and deliver to the General Assembly a State energy plan.
43 The plan shall include at a minimum:

44 (1) Information and data relating to the health and
45 sustainability of the State energy portfolio.

46 (2) Current costs associated with State energy
47 exploration, production and distribution.

48 (3) Goals and strategies to increase the supply of
49 energy for State energy demands.

50 (4) Goals and strategies to decrease the cost of energy
51 for State customers.

1 (5) Recommendations that cover coal, natural gas and
2 oil, electric power, energy efficiency, solar, wind, hydro,
3 geothermal, biomass, landfill gas and renewable natural gas,
4 nuclear and other energy technologies.

5 (6) Analysis of laws, regulations and policies that
6 relate to energy generation, production or distribution.

7 (7) A review of the use of fossil, renewable and energy
8 efficiency initiatives designed to advance energy resource
9 development opportunities and provide energy services to
10 businesses, communities and homeowners in this Commonwealth.

11 (8) Planning for sustainable energy alternatives.

12 (b) Oversight and administration.--The department shall
13 exercise the powers and duties conferred upon other State
14 agencies and officials relating to the following:

15 (1) The development and siting of energy production
16 facilities.

17 (2) The procurement of Federal funding for energy
18 resource research and development.

19 (3) The permitting and siting of energy projects and
20 production facilities.

21 (4) The policy and planning of State energy strategy.

22 (c) Data collection.--The department shall collect, store
23 and serve as a central repository for data relating to State
24 energy generation, production or distribution.

25 § 5123. Energy programs.

26 (a) Energy Conservation and Assistance Act.--The Department
27 of Energy has the powers and duties previously vested in the
28 Department of Environmental Protection by the act of July 10,
29 1986 (P.L.1398, No.122), known as the Energy Conservation and
30 Assistance Act.

31 (b) Building Energy Conservation Act.--The Department of
32 Energy has the powers and duties previously vested in the
33 Department of Environmental Protection by the act of June 28,
34 1995 (P.L.89, No.18), known as the Conservation and Natural
35 Resources Act.

36 (c) Alternative fuels.--The Department of Energy has the
37 powers and duties previously vested in the Pennsylvania Energy
38 Office by 75 Pa.C.S. Ch. 72 (relating to alternative fuels).

39 (d) Other powers and duties transferred.--Any reference to
40 the Pennsylvania Energy Office in any other act shall be
41 construed to mean the department, and any such powers and duties
42 in acts and other functions currently performed or administered
43 by the Pennsylvania Energy Office are transferred to the
44 department.

45 § 5124. Facility development.

46 The department has all powers and duties previously vested in
47 the Department of Environmental Resources to design, construct,
48 improve, maintain and repair those lands and facilities which
49 the Department of Energy deems necessary or appropriate in the
50 exercise of the powers and duties transferred by this chapter.

51 § 5125. Advisory committees.

1 (a) Authorization to form.--The department may form advisory
2 committees to help develop or discuss proposed regulation, final
3 regulation or policy guidance and to provide continuing advice
4 on implementing programs administered by the department.

5 (b) Organization.--Membership on an advisory committee shall
6 be balanced and shall be representative of the interests
7 affected by the particular regulation, policy, issue or program
8 assigned to the committee.

9 (c) Appointments.--The secretary shall appoint the members
10 of an advisory committee.

11 (d) Chairperson.--A chairperson shall be chosen by a
12 majority vote of the advisory committee members present at a
13 regularly scheduled meeting. A person employed by the department
14 shall not chair an advisory committee.

15 (e) Expenses.--Members of an advisory committee may be
16 reimbursed for their travel expenses to attend committee
17 meetings as authorized by the Executive Board. Employees of the
18 Commonwealth who serve as members of an advisory committee shall
19 only be entitled to the compensation and expenses they receive
20 as public employees.

21 (f) Support.--The department shall provide the appropriate
22 administrative and technical support needed by an advisory
23 committee in order to accomplish its objectives.

24 § 5126. Contracts and agreements.

25 The department may enter into contracts and agreements with
26 persons, associations, corporations, partnerships,
27 municipalities, municipal authorities and units of Federal,
28 State and local government to exercise the powers and fulfill
29 the duties established by this chapter.

30 § 5127. Transfer of funds.

31 The administration of the following funds or portions of
32 funds, as may be administered by the Pennsylvania Energy Office,
33 shall be transferred from the Pennsylvania Energy Office to the
34 department:

35 (1) Energy Conservation and Assistance Fund.

36 (2) Alternative Fuels Incentive Grant Fund.

37 (3) Any other fund or portion of a fund currently
38 administered by the Pennsylvania Energy Office.

39 § 5128. Transfer of administrative resources.

40 (a) Transfer enumerated.--The following are transferred to
41 the department:

42 (1) All bureaus, organizations and divisions in the
43 Department of Environmental Protection responsible for the
44 functions enumerated in this chapter.

45 (2) All personnel, allocations, appropriations,
46 equipment, files, records, contracts, agreements, obligations
47 and other materials which are used, employed or expended by
48 the Department of Environmental Protection in connection with
49 the functions transferred by this chapter to the department
50 in the first instance and as if the contracts, agreements and
51 obligations had been incurred or entered into by the

department.

(3) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended by the Department of Conservation and Natural Resources in connection with the functions transferred by this chapter to the Department of Energy in the first instance and as if the contracts, agreements and obligations had been incurred or entered into by the department.

(b) Apportionment.--The personnel, appropriations, equipment and other items and material transferred by this section shall include an appropriate portion of the general administrative, overhead and supporting personnel, appropriations, equipment and other material of the appropriate agency and shall also include, where applicable, Federal grants and money and other benefits from any Federal program.

(c) Status of employees.--All personnel transferred under this chapter shall retain any civil service employment status assigned to the personnel.

§ 5129. Civil service status.

All positions in the department shall be deemed to be included in the list of positions identified in section 3(d) of the former act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of that act shall apply to the employees of and positions in the department.

§ 5130. Regulations.

Regulations, guidelines or statements of policy issued by the Pennsylvania Energy Office for the functions transferred to the department shall remain in effect until such time as the department determines the need to amend such regulations, guidelines or statements of policy.

SUBCHAPTER E

DEFINING RULEMAKING AUTHORITY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sec.

5141. (Reserved).

5142. Continued authority of Department of Environmental
Protection.

§ 5141. (Reserved).

§ 5142. Continued authority of Department of Environmental
Protection.

(a) Powers and duties.--The Department of Environmental Protection shall continue to exercise the same powers and perform the same duties and functions by law vested in and imposed upon the Department of Environmental Protection not otherwise amended or transferred by this chapter to the department.

(b) Administrative officers.--All appointive administrative officers holding office in the Department of Environmental Protection who exercise powers and duties that are transferred to the department under this chapter when this section takes

effect shall continue in office in the Department of Energy until the term for which they were respectively appointed shall expire or until they shall die, resign or be removed from office.

SUBCHAPTER G
MISCELLANEOUS PROVISIONS

Sec.

5161. Savings provision.

§ 5161. Savings provision.

(a) Matters transferred to Department of Energy.--All orders, permits, regulations, decisions and other actions of the Department of Environmental Protection related to the functions transferred to the department shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the department.

(b) Matters remaining with Department of Environmental Protection.--All other orders, permits, regulations, decisions and other actions of the Department of Environmental Protection shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the Department of Environmental Protection.

(c) Construction.--The provisions of this part, insofar as they are the same as those of existing laws, shall be construed as a continuation of these laws and not as new enactments.

Section 2. Part V of Title 71 is amended by adding a chapter to read:

Amend Bill, page 5, line 19, by striking out "2" and inserting

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