

## AMENDMENTS TO SENATE BILL NO. 832

Sponsor: SENATOR PITTMAN

Printer's No. 1277

1 Amend Bill, page 1, lines 1 through 3, by striking out all of  
2 said lines and inserting

3 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
4 "An act providing for and reorganizing the conduct of the  
5 executive and administrative work of the Commonwealth by the  
6 Executive Department thereof and the administrative  
7 departments, boards, commissions, and officers thereof,  
8 including the boards of trustees of State Normal Schools, or  
9 Teachers Colleges; abolishing, creating, reorganizing or  
10 authorizing the reorganization of certain administrative  
11 departments, boards, and commissions; defining the powers and  
12 duties of the Governor and other executive and administrative  
13 officers, and of the several administrative departments,  
14 boards, commissions, and officers; fixing the salaries of the  
15 Governor, Lieutenant Governor, and certain other executive  
16 and administrative officers; providing for the appointment of  
17 certain administrative officers, and of all deputies and  
18 other assistants and employes in certain departments, boards,  
19 and commissions; providing for judicial administration; and  
20 prescribing the manner in which the number and compensation  
21 of the deputies and all other assistants and employes of  
22 certain departments, boards and commissions shall be  
23 determined," in Energy Development Authority and emergency  
24 powers, further providing for definitions and for Energy  
25 Development Authority; providing for Energy Development and  
26 Electric Generation Permit Review Program, for Accelerated  
27 Energy Development and Electric Generation Permit Review  
28 Program and for Pennsylvania Opportunities with Energy  
29 Reliability Authority Regulatory Waiver Program; and making  
30 editorial changes.

31 Amend Bill, page 1, lines 6 through 18; pages 2 through 4,  
32 lines 1 through 30; page 5, lines 1 through 19; by striking out  
33 all of said lines on said pages and inserting

34 Section 1. Article XXVIII-C heading of the act of April 9,  
35 1929 (P.L.177, No.175), known as The Administrative Code of

1929, is amended to read:

ARTICLE XXVIII-C

[ENERGY DEVELOPMENT] PENNSYLVANIA OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY AND EMERGENCY POWERS

Section 2. The definitions of "authority" and "project" in section 2801-C of the act are amended to read:

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

"Authority" means the [Energy Development] Pennsylvania Opportunities with Energy Reliability Authority.

\* \* \*

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

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

(2) limited scale or large-scale demonstration of innovative or commercially unproven technology to promote the production, use or conservation of energy; [or]

(3) activities to promote or remove obstacles to the utilization and transportation of Pennsylvania energy resources, including but not limited to limited scale synthetic fuel facilities and the conversion or technological improvement of industrial, commercial or agricultural systems to utilize Pennsylvania coal or renewable energy resources: Provided, That no such facility unreasonably interferes with private waste recycling industries[.];

(4) energy generation activities seeking review under Article XXVIII-J, XXVIII-K or XXVIII-L;

(5) a small-scale energy project that proposes to construct or modify an electricity generator with a nameplate capacity of less than 25 megawatts; or

(6) a large-scale energy project that proposes to construct or modify an electricity generator with a nameplate capacity equal to or greater than 25 megawatts.

Section 3. Section 2803-C heading, (a), (b)(1), (8) and (9) and (d) of the act are amended and subsection (b) is amended by adding a paragraph to read:

Section 2803-C. [Energy Development] Pennsylvania Opportunities with Energy Reliability Authority.--(a) There is hereby established the [Energy Development] Pennsylvania Opportunities with Energy Reliability Authority.

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

(1) [Nine members to be appointed by the Governor, one of whom shall be designated as chairman. At least two members shall be members of the general public. The members initially

1 appointed shall serve for terms of two, three and four years,  
2 respectively, the particular term of each to be designated by  
3 the Governor at the time of appointment. The terms of all of  
4 their successors shall be four years each, except that any  
5 person appointed to fill a vacancy shall serve only for the  
6 unexpired term. Every member's term shall extend until his  
7 successor is appointed and qualified. Any appointment of a  
8 member of the authority shall be subject to the advice and  
9 consent of a majority of all of the members of the Senate. Any  
10 appointed member of the authority shall be eligible for  
11 reappointment.] (Reserved).

12 \* \* \*

13 (8) The Consumer Advocate or his designee shall serve as a  
14 nonvoting member.

15 (9) The Chairman of the Public Utility Commission or his  
16 designee shall serve as a nonvoting member.

17 (10) The Secretary of Transportation or his designee.

18 \* \* \*

19 (d) The board of directors shall provide for the holding of  
20 regular and special meetings. [Ten directors attending shall  
21 constitute a quorum for the transaction of any business and at  
22 least six votes shall be required to adopt any action, except  
23 that at least nine votes shall be required to approve financial  
24 assistance for any project.] The board shall meet at least ten  
25 times in a calendar year. Five members of the board shall  
26 constitute a quorum, and the following shall apply:

27 (1) The consent of at least five members of the board, with  
28 at least four of the consenting members being appointed under  
29 subsection (b) (6) and (7), shall be necessary to take action on  
30 behalf of the authority for any of the following:

31 (i) Adopting bylaws.

32 (ii) Hiring professionals.

33 (iii) Authorizing bonds.

34 (iv) Approving projects and contracts.

35 (v) Adopting guidelines.

36 (vi) Approving recommendations and applications under  
37 Articles XXVIII-J, XXVIII-K and XXVIII-L.

38 (2) At its first meeting after the effective date of this  
39 subsection, the board shall elect a chairperson.

40 Section 4. Section 2806-C(8) of the act is amended to read:

41 Section 2806-C. Powers and Duties.--The authority, as a  
42 public corporation and governmental instrumentality exercising  
43 public powers of the Commonwealth, is hereby granted and shall  
44 have and may exercise all powers necessary or appropriate to  
45 carry out and effectuate the purposes of this article, including  
46 the following powers, in addition to others herein granted:

47 \* \* \*

48 (8) To accept grants from and to enter into contracts or  
49 other transactions with any Federal agency. Money awarded to the  
50 authority from the Federal Government shall be considered money  
51 of the Commonwealth and subject to appropriation by the General

1 Assembly.

2 \* \* \*

3 Section 5. The act is amended by adding articles to read:

4 ARTICLE XXVIII-J

5 ENERGY DEVELOPMENT AND ELECTRIC  
6 GENERATION PERMIT REVIEW PROGRAM

7 (a) Preliminary Provisions

8 Section 2801-J. Scope of article.

9 This article relates to energy development and electric  
10 generation permit review.

11 Section 2802-J. Definitions.

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

15 "Account." The Advanced Permit and Regulatory Review Program  
16 Account established under section 2815-J.

17 "Authority." The Pennsylvania Opportunities with Energy  
18 Reliability Authority.

19 "Board." The board of directors of the authority.

20 "Initial application." An application submitted to a  
21 qualifying State agency which seeks a permit that is necessary  
22 for a small-scale energy project and which seeks any of the  
23 following:

24 (1) A new permit.

25 (2) A permit renewal.

26 (3) A permit amendment.

27 (4) A permit modification.

28 (5) A permit transfer.

29 (6) A change of ownership of a permit.

30 "Nameplate capacity." The maximum electrical output in  
31 megawatts that a generator can sustain over a specified period  
32 of time when not restricted by seasonal or other deratings as  
33 measured in accordance with the United States Department of  
34 Energy standards.

35 "Qualified licensed professional." An individual who is  
36 approved by the board to conduct permit review on behalf of a  
37 qualifying State agency under the review program.

38 "Qualifying State agency." A State agency authorized by  
39 statute to issue permits related to a small-scale energy  
40 project.

41 "Review petition" or "petition." A petition submitted to the  
42 board under section 2814-J(a) seeking third-party review of an  
43 initial application filed with a qualifying State agency, which  
44 may include, in addition to the initial application, any other  
45 documents created during the course of the qualifying State  
46 agency's consideration of the initial application.

47 "Review petitioner" or "petitioner." An individual,  
48 corporation, municipality, municipal authority or political  
49 subdivision that files a review petition with the board seeking  
50 third-party review of an initial application.

51 "Review program." The Energy Development and Electric

1 Generation Permit Review Program established under section 2812-  
2 J.

3 "Small-scale energy project." A project that proposes to  
4 construct or modify an electricity generator with a nameplate  
5 capacity of less than 25 megawatts.

6 (b) Energy Development and Electric  
7 Generation Permit Review

8 Section 2811-J. Scope of subarticle.

9 This subarticle relates to the Energy Development and  
10 Electric Generation Permit Review Program.

11 Section 2812-J. Energy Development and Electric Generation  
12 Permit Review Program.

13 (a) Establishment.--The Energy Development and Electric  
14 Generation Permit Review Program is established in the  
15 authority. The purpose of the review program shall be to provide  
16 an alternative method, through the use of qualified licensed  
17 professionals, of reviewing initial applications for small-scale  
18 energy projects when the qualifying State agency has not issued  
19 a decision to approve or deny an initial application within the  
20 time period provided for by statute, regulation or agency  
21 policy, or within 120 days, whichever occurs first.

22 (b) (Reserved).

23 (c) Fees.--The board shall establish a fee to be paid upon  
24 submission of a review petition, which shall be paid in addition  
25 to any fees collected by the qualifying State agency in  
26 connection with the initial application. Fees shall be deposited  
27 into the account. If the board's cost of reviewing the review  
28 petition exceeds the sum of the review petition fee and permit  
29 fee, the authority shall assess an additional fee to cover all  
30 costs. Upon payment of a fee under this subsection, any fees  
31 paid to a qualifying State agency shall be returned to the  
32 petitioner.

33 Section 2813-J. Selection of qualified licensed professionals.

34 (a) General rule.--The authority shall, through a request  
35 for proposals procedure, select qualified licensed professionals  
36 to perform a technical review in accordance with this article.

37 (b) Eligibility.--In order to be selected as a qualified  
38 licensed professional, an individual must satisfy the following  
39 criteria:

40 (1) Be a professional engineer, land surveyor,  
41 geologist, landscape architect or other licensed  
42 professional, which may be necessary to review applications  
43 under the review program.

44 (2) Have at least three years of relevant permitting  
45 experience in this Commonwealth.

46 (c) List to be compiled.--The authority shall compile and  
47 publish on the authority's publicly accessible Internet website  
48 a list of approved qualified licensed professionals. The  
49 authority shall update the list every three years.

50 Section 2814-J. Permit review procedure.

51 (a) Submission of review petition.--A petitioner may submit

1 a review petition to the authority for permit review if the  
2 petitioner has made initial application to a qualifying State  
3 agency and has not received a decision on the initial  
4 application within the time period provided for by statute,  
5 regulation or agency policy, or within 120 days, whichever  
6 occurs first. After receipt of the petition and payment of the  
7 required fee, within 10 business days, if the board determines  
8 that the initial application and the petition meet the  
9 requirements of this paragraph, the board shall refer the  
10 petition and any other documents submitted to a qualified  
11 licensed professional to conduct a technical review.

12 (b) Conflicts.--The board may not refer a petition to a  
13 qualified licensed professional under the review program if the  
14 qualified licensed professional has performed services for the  
15 petitioner within three years of the initial application being  
16 received by the qualifying State agency or any other conflicts  
17 of interest as determined by the board.

18 (c) Technical review by qualified licensed professional.--

19 (1) After a petition has been referred under subsection  
20 (a), the qualified licensed professional shall conduct a  
21 technical review and, within the time period provided for by  
22 statute, regulation or agency policy, or within 120 days,  
23 whichever occurs first, provide a recommendation to the board  
24 that the application be either approved or denied.

25 (2) If the qualified licensed professional finds any  
26 deficiency, the qualified licensed professional may request  
27 additional information from the petitioner.

28 (3) Upon receipt of a recommendation from a qualified  
29 licensed professional, the board shall vote to adopt or  
30 reject the recommendation of the qualified licensed  
31 professional, either at its next scheduled meeting or within  
32 10 business days, whichever occurs first.

33 (4) If the board votes by qualified majority to adopt  
34 the recommendation, an order to that effect shall be  
35 immediately transmitted to the qualifying State agency,  
36 directing that the permit or permits be issued or denied in  
37 accordance with the board's order.

38 (5) If the board votes to reject the qualified licensed  
39 professional's recommendation to deny the initial  
40 application, an order to that effect shall immediately be  
41 transmitted to the qualifying State agency, directing that  
42 the permit or permits be issued in accordance with the  
43 board's order.

44 (6) Commonwealth Court shall have original jurisdiction  
45 of any appeals of board action filed under the authority of  
46 this subarticle. The authority shall defend all appeals filed  
47 under this subarticle.

48 Section 2815-J. Permit Review and Regulatory Waiver Program  
49 Account.

50 The Permit Review and Regulatory Waiver Program Account is  
51 established as a separate account within the Energy Development

1 Fund. The following apply:

2 (1) The account shall consist of fees and costs assessed  
3 by the board under Articles XXVIII-J, XXVIII-K and XXVIII-L.

4 (2) Money in the account shall be used for the  
5 administration of the programs established under Articles  
6 XXVIII-J, XXVIII-K and XXVIII-L in accordance with program  
7 guidelines established by the board.

8 Section 2816-J. Report to General Assembly.

9 The authority shall, not later than 12 months after the  
10 effective date of this section, submit a written report to the  
11 General Assembly relating to the progress in implementing the  
12 review program.

13 ARTICLE XXVIII-K

14 ACCELERATED ENERGY DEVELOPMENT AND  
15 ELECTRIC GENERATION PERMIT REVIEW PROGRAM

16 (a) Preliminary Provisions

17 Section 2801-K. Scope of article.

18 This article relates to the Accelerated Energy Development  
19 and Electric Generation Permit Review Program.

20 Section 2802-K. Definitions.

21 The following words and phrases when used in this article  
22 shall have the meanings given to them in this section unless the  
23 context clearly indicates otherwise:

24 "Applicant." An individual, corporation, municipality,  
25 municipal authority or political subdivision that submits an  
26 application to the board for a permit that is necessary for a  
27 large-scale energy project.

28 "Authority." The Pennsylvania Opportunities with Energy  
29 Reliability Authority.

30 "Board." The board of directors of the authority.

31 "Large-scale energy project." A project that proposes to  
32 construct or modify an electric generator with a nameplate  
33 capacity equal to or greater than 25 megawatts.

34 "Nameplate capacity." The maximum electrical output in  
35 megawatts that a generator can sustain over a specified period  
36 of time when not restricted by seasonal or other deratings as  
37 measured in accordance with the United States Department of  
38 Energy standards.

39 "Permit application." An application submitted to the board  
40 which seeks a permit that is necessary for any of the following  
41 related to a large-scale energy project:

42 (1) A new permit.

43 (2) A permit renewal.

44 (3) A permit amendment.

45 (4) A permit modification.

46 (5) A permit transfer.

47 (6) A change of ownership of a permit.

48 "Program." The Accelerated Energy Development and Electric  
49 Generation Permit Review Program.

50 "Qualifying State agency." A State agency authorized by  
51 statute to issue permits related to a large-scale energy

1 project.

2 (b) Accelerated Energy Development and Electric  
3 Generation Permit Review Program

4 Section 2811-K. Scope of subarticle.

5 This subarticle relates to the Accelerated Energy Development  
6 and Electric Generation Permit Review Program.

7 Section 2812-K. Accelerated Energy Development and Electric  
8 Generation Permit Review Program.

9 (a) Establishment.--The Accelerated Energy Development and  
10 Electric Generation Permit Review Program is established in the  
11 authority. The purpose of the program shall be to provide an  
12 accelerated method, through the use of qualified licensed  
13 professionals, of reviewing permit applications for large-scale  
14 energy projects that would otherwise be submitted to a State  
15 agency authorized by statute to issue the permits.

16 (b) Fees.--The authority shall establish a fee to be paid  
17 upon submission of a permit application. If the board's cost of  
18 reviewing the application exceeds the sum of the fee, the  
19 authority shall assess an additional fee to cover all costs.  
20 Fees shall be deposited into the Permit Review and Regulatory  
21 Waiver Program Account established under section 2815-J.

22 Section 2813-K. Selection of qualified licensed professionals.

23 (a) General rule.--The authority shall, through a request  
24 for proposals procedure, select qualified licensed professionals  
25 to review permit applications submitted under the program.

26 (b) Eligibility.--In order to be selected as a qualified  
27 licensed professional, an individual must satisfy the following  
28 criteria:

29 (1) Be a professional engineer, land surveyor,  
30 geologist, landscape architect or other licensed  
31 professional, which may be necessary to review applications  
32 under the program.

33 (2) Have at least three years of relevant permitting  
34 experience in this Commonwealth.

35 (c) List to be compiled.--The authority shall compile and  
36 publish on the authority's publicly accessible Internet website  
37 a list of approved qualified licensed professionals. The  
38 authority shall update the list every three years.

39 Section 2814-K. Accelerated permit review procedure.

40 (a) Submission of permit application.--In lieu of submitting  
41 a permit application related to a large-scale energy project to  
42 the qualifying State agency, an applicant may elect to submit  
43 its permit application to the board for accelerated energy  
44 permit review by a qualified licensed professional. The  
45 following shall apply:

46 (1) After receipt of the permit application and payment  
47 of the required fee, within 10 business days, the board shall  
48 refer the petition to a qualified licensed professional to  
49 conduct a review of the application.

50 (2) The board may not refer an application to a  
51 qualified licensed professional under the program if the



1 qualified licensed professional has performed services for  
2 the applicant within three years of the date of submission of  
3 the permit application to the board or any other conflict of  
4 interest has occurred as determined by the board.

5 (b) (Reserved).

6 (c) Review by qualified licensed professional.--

7 (1) After an application has been referred under  
8 subsection (a), the qualified licensed professional shall  
9 conduct a review of the permit application. Within the  
10 statutory time frame for such a permit or within 120 days,  
11 whichever is less, the qualified licensed professional shall  
12 present its recommendation to the board.

13 (2) Upon receipt of a recommendation from a qualified  
14 licensed professional, the board shall vote to adopt or  
15 reject the recommendation of the qualified licensed  
16 professional, either at its next scheduled meeting or within  
17 10 business days, whichever occurs first.

18 (3) If the board votes to adopt the recommendation, an  
19 order shall be immediately transmitted to the qualifying  
20 State agency, directing that the permit or permits be issued  
21 or denied in accordance with the board's order.

22 (4) If the board votes to reject the qualified licensed  
23 professional's recommendation to deny the initial  
24 application, an order to that effect shall immediately be  
25 transmitted to the qualifying State agency directing that the  
26 permit or permits be issued in accordance with the board's  
27 order.

28 (5) Commonwealth Court shall have original jurisdiction  
29 of any appeals of board action filed under the authority of  
30 this subarticle. The authority shall defend all appeals filed  
31 under this subarticle.

#### 32 ARTICLE XXVIII-L

#### 33 PENNSYLVANIA OPPORTUNITIES WITH ENERGY RELIABILITY

#### 34 AUTHORITY REGULATORY WAIVER PROGRAM

#### 35 Section 2801-L. Scope of article.

36 This article relates to the Pennsylvania Opportunities with  
37 Energy Reliability Authority Regulatory Waiver Program.

#### 38 Section 2802-L. Definitions.

39 The following words and phrases when used in this article  
40 shall have the meanings given to them in this section unless the  
41 context clearly indicates otherwise:

42 "Applicant." An individual, corporation, municipality,  
43 municipal authority or political subdivision that submits an  
44 application to the board for a permit that is necessary for a  
45 large-scale energy project.

46 "Authority." The Pennsylvania Opportunities with Energy  
47 Reliability Authority.

48 "Large-scale energy project." A project that proposes to  
49 construct or modify an electric generator with a nameplate  
50 capacity equal to or greater than 25 megawatts.

51 "Nameplate capacity." The maximum electrical output in

1 megawatts that a generator can sustain over a specified period  
2 of time when not restricted by seasonal or other deratings as  
3 measured in accordance with the United States Department of  
4 Energy standards.

5 "Participant." A person whose application to the board  
6 seeking participation in the regulatory waiver program has been  
7 approved.

8 "Regulatory waiver." A waiver by the board of applicable  
9 regulations that would otherwise apply to an energy project.

10 "Regulatory waiver program." The Regulatory Waiver Program  
11 established under section 2803-L.

12 Section 2803-L. Regulatory Waiver Program.

13 The Regulatory Waiver Program is established in the  
14 authority.

15 Section 2804-L. Board duties.

16 (a) Duties.--The board shall administer the regulatory  
17 waiver program in accordance with this article as follows:

18 (1) The board shall create and post to its publicly  
19 accessible Internet website an application form to be  
20 submitted by an applicant seeking participation in the  
21 regulatory waiver program.

22 (2) An applicant seeking a regulatory waiver in  
23 connection with a large-scale energy project shall submit the  
24 application to the board for its consideration.

25 (3) Upon receipt of an application, the board shall do  
26 the following:

27 (i) Post the name of the applicant and each  
28 regulation for which the applicant seeks a waiver to the  
29 board's publicly accessible Internet website.

30 (ii) Add the application to its agenda for the next  
31 scheduled public meeting or within 45 days, whichever is  
32 sooner.

33 (b) Fees.--

34 (1) The board shall establish an application fee.

35 (2) The board may establish additional fees to cover the  
36 costs of administering the regulatory waiver program.

37 (3) Fees shall be deposited into the Permit Review and  
38 Regulatory Waiver Program Account established under section  
39 2815-J.

40 (c) Public meeting.--

41 (1) The members of the board shall vote to either  
42 approve or deny the application at a public meeting. The  
43 board shall take public comment before voting.

44 (2) (Reserved).

45 (c.1) Judicial review.--The denial of an application  
46 submitted under this article shall not be subject to judicial  
47 review.

48 (d) Public notice.--The board shall provide public notice of  
49 the board's decision on the application by posting the decision  
50 on its publicly accessible Internet website.

51 (e) Prohibition.--Notwithstanding any other provision of

1 this article, the board may not enter into a written agreement  
2 with an applicant which waives or suspends a tax, fee or charge  
3 that is administered by the Department of Revenue.

4 Section 2805-L. Effect of application approval.

5 (a) General rule.--If the board approves an application  
6 under this article, a participant shall not be subject to the  
7 enforcement of the regulations identified in the application and  
8 as approved by the board for a waiver under this article. The  
9 following shall apply:

10 (1) A prosecutor may not file or pursue charges against  
11 a participant for failure to comply with a regulation that  
12 the board has approved for waiver.

13 (2) A State agency may not file or pursue any punitive  
14 action against a participant, including a fine or license  
15 suspension or revocation, for the participant's violation of  
16 a regulation that the board has approved for waiver under  
17 this article.

18 (b) Criminal liability.--The following shall apply:

19 (1) The board's approval of an regulatory waiver shall  
20 not provide a participant with immunity for any violation  
21 under 18 Pa.C.S. (relating to crimes and offenses).

22 (2) A participant shall comply with Federal law and  
23 regulations governing consumer protection.

24 (c) Board liability.--The board and its employees shall not  
25 be liable for any business loss or the recouping of an  
26 application expense or other expense related to a regulatory  
27 waiver.

28 ARTICLE XXVIII-M

29 INDEPENDENT ENERGY OFFICE

30 Section 2801-M. Definitions.

31 The following words and phrases when used in this article  
32 shall have the meanings given to them in this section unless the  
33 context clearly indicates otherwise:

34 "Committee." The Independent Energy Office Selection and  
35 Organization Committee.

36 "Commonwealth agency." Any office, department, authority,  
37 board, multistate agency or commission of the executive branch.  
38 The term includes:

39 (1) The Governor's Office.

40 (2) The Office of Attorney General, the Department of  
41 the Auditor General and the Treasury Department.

42 (3) An independent agency as defined in 62 Pa.C.S. § 103  
43 (relating to definitions).

44 (4) A State-affiliated entity as defined in 62 Pa.C.S. §  
45 103.

46 (5) The General Assembly.

47 (6) The unified judicial system.

48 "Director." The Director of the Independent Energy Office.

49 "Office." The Independent Energy Office established under  
50 section 2802-M.

51 Section 2802-M. Office established.

1 The Independent Energy Office is established as a nonpartisan  
2 independent agency.

3 Section 2803-M. Duties of office.

4 (a) Mandatory.--The office shall:

5 (1) Plan recommendations that cover coal, natural gas  
6 and oil, electric power, energy efficiency, solar, wind,  
7 hydro, geothermal, biomass, landfill gas, renewable natural  
8 gas, nuclear and other energy technologies.

9 (2) Analyze policies, regulations and laws that relate  
10 to energy generation, production or distribution and share  
11 relevant analysis with the Pennsylvania Opportunities with  
12 Energy Reliability Authority and to the General Assembly.

13 (3) Provide at least one Statewide energy report each  
14 legislative session presented to the General Assembly.

15 (4) Formulate and review the use of fossil, renewable  
16 and energy efficiency initiatives designed to advance energy  
17 resource development opportunities, including innovative  
18 technologies, and provide energy services to businesses,  
19 communities and homeowners in this Commonwealth.

20 (b) Discretionary.--The office may:

21 (1) Provide independent studies on other State energy  
22 policies to recommend to the Commonwealth.

23 (2) Track energy use, production and generation  
24 statistics from year to year.

25 (3) Work with the General Assembly to establish a  
26 Statewide energy plan.

27 Section 2804-M. Committee.

28 The Independent Energy Office Selection and Organization  
29 Committee is established within the office. The committee shall  
30 create and publish qualifications for director of the office.  
31 The committee shall consist of the following members:

32 (1) The President pro tempore of the Senate.

33 (2) The Speaker of the House of Representatives.

34 (3) The Majority Leader of the Senate.

35 (4) The Minority Leader of the Senate.

36 (5) The Majority Leader of the House of Representatives.

37 (6) The Minority Leader of the House of Representatives.

38 (7) The chairperson of the Environmental Resources and  
39 Energy Committee of the Senate.

40 (8) The minority chairperson of the Environmental  
41 Resources and Energy Committee of the Senate.

42 (9) The chairperson of the Environmental Resources and  
43 Energy Committee of the House of Representatives.

44 (10) The minority chairperson of the Environmental  
45 Resources and Energy Committee of the House of  
46 Representatives.

47 Section 2805-M. Appointment.

48 (a) Director.--The office shall be headed by a director  
49 appointed by the committee by May 30, 2025. The appointment  
50 shall be made without regard to political affiliation and solely  
51 on the basis of fitness to perform the duties of the office

1 based on qualifications published by the committee.

2 (b) Deputy director.--The director shall appoint a deputy  
3 director who shall perform such duties as assigned by the  
4 director and who shall, during the absence or incapacity of the  
5 director or a vacancy, act as the director.

6 (c) Term.--The term of office of the director shall be six  
7 years. An individual appointed as director to fill a vacancy  
8 prior to the expiration of a term shall serve only for the  
9 unexpired portion of that term. An individual serving as  
10 director at the expiration of a term may continue to serve until  
11 a successor is appointed.

12 (d) Removal.--The director may be removed by a concurrent  
13 resolution passed by the Senate and the House of  
14 Representatives.

15 Section 2806-M. Powers and duties of director.

16 (a) Personnel.--The director shall appoint and fix the  
17 compensation of personnel as necessary to carry out the duties  
18 and functions of the office. All personnel of the office shall  
19 be appointed without regard to political affiliation and solely  
20 on the basis of their fitness to perform their duties.

21 (b) Experts and consultants.--In carrying out the duties and  
22 functions of the office, the director may procure the temporary  
23 or intermittent services of attorneys, experts or consultants or  
24 organization thereof by contract.

25 Section 2807-M. Records.

26 The office shall be a legislative agency for purposes of the  
27 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
28 Know Law.

29 Section 2807-M. Access to information.

30 The director shall secure information, data, reports,  
31 statistics or other relevant information from a Commonwealth  
32 agency or political subdivision. A Commonwealth agency or  
33 political subdivision shall submit to the director information  
34 within a reasonable amount of time of the request to assist the  
35 director in the performance of the duties of the office, other  
36 than material, the disclosure of which would be a violation of  
37 the law.

38 Section 7. Up to \$100,000 shall be transferred from the  
39 Energy Development Fund to the Permit Review and Regulatory  
40 Waiver Program Account. This sum is appropriated to the  
41 Pennsylvania Opportunities with Energy Reliability Authority for  
42 use for start-up costs related to the Energy Development and  
43 Electric Generation Permit Review Program, the Accelerated  
44 Energy Development and Electric Generation Permit and Regulatory  
45 Review Program and the Pennsylvania Opportunities with Energy  
46 Reliability Authority Regulatory Waiver Program.

47 Section 8. Activities initiated under the Energy Development  
48 Authority shall continue and remain in full force and effect and  
49 may be completed under the Pennsylvania Opportunities with  
50 Energy Reliability Authority. Contracts, obligations, grant  
51 applications and agreements entered into under the Energy

1 Development Authority are not affected nor impaired by the  
2 renaming of the Energy Development Authority to the Pennsylvania  
3 Opportunities with Energy Reliability Authority.  
4 Section 9. This act shall take effect in 60 days.