
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 200 Session of
2013

INTRODUCED BY VITALI, BRADFORD, HANNA, STURLA, FRANKEL, BRIGGS,
V. BROWN, BROWNLEE, CALTAGIRONE, M. DALEY, DAVIS, DEAN,
FARINA, FREEMAN, KINSEY, MCCARTER, MCGEEHAN, MURT, O'BRIEN,
SANTARSIERO, SIMS AND NEILSON, FEBRUARY 13, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 13, 2013

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, further providing for distribution of fee and for
3 Statewide initiatives; providing for the PA Sunshine Solar
4 Program; and making a related repeal.

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

7 Section 1. Section 2314(c.2), (c.3) and (d) introductory
8 paragraph of Title 58 of the Pennsylvania Consolidated Statutes,
9 added February 14, 2012 (P.L.87, No.13), are amended and the
10 section is amended by adding a subsection to read:

11 § 2314. Distribution of fee.

12 * * *

13 (c.2) Natural gas energy development.--Following
14 distributions from the fund under subsections (c) [and], (c.1)
15 and (c.3), the following amounts shall be deposited into the
16 Marcellus Legacy Fund for distribution to the department for the
17 Natural Gas Energy Development Program under Chapter 27

1 (relating to Natural Gas Energy Development Program):

2 (1) For 2011, \$10,000,000.

3 (2) For 2012, \$7,500,000.

4 (3) For 2013, \$2,500,000.

5 (c.3) Solar energy rebates.--From fees collected under this
6 chapter and deposited in the fund for 2013 and each year
7 thereafter, \$25,000,000 shall be distributed annually to the
8 department for the PA Sunshine Solar Program under Chapter 29
9 (relating to PA Sunshine Solar Program).

10 [(c.3)] (c.4) Report.--All agencies or organizations
11 receiving funds under subsections (c), (c.1) [and], (c.2) and
12 (c.3) shall submit a report by December 31, 2012, and December
13 31 of each year thereafter to the Secretary of the Budget and
14 the Appropriations Committee of the Senate and the
15 Appropriations Committee of the House of Representatives. The
16 report shall include an itemization and explanation of the use
17 of all funds received under subsections (c), (c.1) [and], (c.2)
18 and (c.3).

19 (d) Distribution.--Except as provided in section 2302(a.3)
20 and (a.4) (relating to unconventional gas well fee), following
21 fee distribution under subsections (c), (c.1) [and], (c.2) and
22 (c.3), from fees collected for 2011 and each year thereafter,
23 60% of the revenue remaining in the fund from fees collected for
24 the prior year are hereby appropriated to counties and
25 municipalities for purposes authorized under subsection (g).
26 Counties and municipalities are encouraged, where appropriate,
27 to jointly fund projects that cross jurisdictional lines. The
28 commission, after making a disbursement under subsection (f),
29 shall distribute the remaining funds appropriated as follows
30 within three months after the date the fee is due:

1 * * *

2 Section 2. Section 2315(a.1) introductory paragraph of Title
3 58, added February 14, 2012 (P.L.87, No.13), is amended to read:
4 § 2315. Statewide initiatives.

5 * * *

6 (a.1) Deposit and distribution.--Following distribution
7 under section 2314(c), (c.1) [and], (c.2) and (c.3) (relating to
8 distribution of fee) from fees collected for 2011 and each year
9 thereafter, 40% of the remaining revenue in the fund shall be
10 deposited into the Marcellus Legacy Fund and appropriated to the
11 commission and distributed within three months after the date
12 the fee is due as follows:

13 * * *

14 Section 3. Title 58 is amended by adding a chapter to read:

15 CHAPTER 29

16 PA SUNSHINE SOLAR PROGRAM

17 Sec.

18 2901. Definitions.

19 2902. PA Sunshine Solar Program.

20 § 2901. Definitions.

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

24 "Commercial entity." A corporation, partnership, sole
25 proprietorship, limited liability company, business trust or
26 other commercial entity approved by the Department of
27 Environmental Protection.

28 "Department." The Department of Environmental Protection of
29 the Commonwealth.

30 "Entity." Any of the following:

1 (1) A residential homeowner.

2 (2) A commercial entity.

3 (3) A not-for-profit entity.

4 "Solar energy system." A solar thermal system or solar
5 photovoltaic system.

6 § 2902. PA Sunshine Solar Program.

7 (a) Continuation.--The PA Sunshine Solar Program authorized
8 under section 306 of the act of July 9, 2008 (1st Sp.Sess.,
9 P.L.1873, No.1), known as the Alternative Energy Investment Act,
10 is continued under this chapter. Any funds transferred by the
11 Commonwealth Financing Authority to the department under section
12 306(a) of the Alternative Energy Investment Act shall be
13 utilized to provide rebates to entities for the cost of
14 installing solar energy systems as provided under this chapter.

15 (b) Funds.--Funds distributed to the department under
16 section 2314(c.3) (relating to distribution of fee) shall be
17 utilized for rebates under this chapter.

18 (c) Amounts.--An entity which installs a solar energy system
19 shall be entitled to a rebate as follows:

20 (1) A solar energy system installed to generate energy
21 for a residential home shall qualify for a rebate of 10% of
22 the cost of the first ten kilowatts of installed capacity.

23 (2) A solar energy system installed to generate energy
24 for property owned and used as a commercial entity or as a
25 not-for-profit entity shall qualify for a rebate of 10% of
26 the first 100 kilowatts of installed capacity.

27 (d) Guidelines.--Funds under this section shall be used in
28 accordance with guidelines adopted by the department. The
29 guidelines shall establish an application procedure.

30 (e) Administrative costs.--No more than 2% of the funds

1 appropriated to the department may be used for administrative
2 costs.

3 Section 4. Repeals are as follows:

4 (1) The General Assembly declares that the repeal under
5 paragraph (2) is necessary to effectuate the addition of 58
6 Pa.C.S. Ch. 29.

7 (2) Section 306 of the act of July 9, 2008 (1st
8 Sp.Sess., P.L.1873, No.1), known as the Alternative Energy
9 Investment Act, is repealed.

10 Section 5. The addition of 58 Pa.C.S. Ch. 29 is a
11 continuation of section 306 of the act of July 9, 2008 (1st
12 Sp.Sess., P.L.1873, No.1), known as the Alternative Energy
13 Investment Act. The following apply:

14 (1) Except as otherwise provided in 58 Pa.C.S. Ch. 29,
15 all activities initiated under section 306 of the Alternative
16 Energy Investment Act shall continue and remain in full force
17 and effect and may be completed under 58 Pa.C.S. Ch. 29.

18 Orders, regulations, rules and decisions which were made
19 under section 306 of the Alternative Energy Investment Act
20 and which are in effect on the effective date of section 4(2)
21 of this act shall remain in full force and effect until
22 revoked, vacated or modified under 58 Pa.C.S. Ch. 29.

23 Contracts, obligations and collective bargaining agreements
24 entered into under section 306 of the Alternative Energy
25 Investment Act are not affected nor impaired by the repeal of
26 section 306 of the Alternative Energy Investment Act.

27 (2) Except as set forth in paragraph (3), any difference
28 in language between 58 Pa.C.S. Ch. 29 and section 306 of the
29 Alternative Energy Investment Act is intended only to conform
30 to the style of the Pennsylvania Consolidated Statutes and is

1 not intended to change or affect the legislative intent,
2 judicial construction or administration and implementation of
3 section 306 of the Alternative Energy Investment Act.

4 (3) Paragraph (2) does not apply to the addition of the
5 following provisions:

6 (i) 58 Pa.C.S. § 2901.

7 (ii) 58 Pa.C.S. § 2902(b), (c), (d) and (e).

8 Section 6. This act shall take effect in 60 days.