

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 191

Session of
1977

INTRODUCED BY MESSRS. TAYLOR, L. E. SMITH, BENNETT, GARZIA,
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A. C. FOSTER, DOMBROWSKI, PYLES AND DeWEESE, FEBRUARY 9, 1977

AS REPORTED FROM COMMITTEE ON MINES AND ENERGY MANAGEMENT, AS
AMENDED, MARCH 21, 1977

AN ACT

1 Creating the Pennsylvania Energy Council; prescribing its duties
2 and powers; providing for the payment of its expenses; and
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. (a) The General Assembly finds as a fact that~~ <—
8 ~~natural gas is in short supply, and has caused the curtailment~~
9 ~~of industrial activity in this Commonwealth. It further finds~~
10 ~~that there is clearly in prospect for the indefinite future a~~
11 ~~shortage of all forms of energy, including oil, gas and other~~
12 ~~fuels, and the electricity into which such fuels are converted;~~
13 ~~and that such shortage is likely to further curtail industrial~~
14 ~~activity, increase unemployment, and threaten the health and~~
15 ~~comfort of the people through lack of heat, light and other~~
16 ~~vital necessities.~~

17 ~~(b) The prediction of future energy needs, and the wisest~~

~~course that can be pursued to keep needs and available supply in balance, involve highly technical and complex problems; and the General Assembly desires to enlist the aid of the most competent persons in the energy field, to maintain continuous surveillance of energy conditions and make such recommendations for legislation which is most likely to ameliorate or avert present and prospective energy shortages.~~

~~Section 2. There is hereby created as an arm of the General Assembly, a Pennsylvania Energy Council composed of 15 members, three of whom shall be ex officio, namely, the Chairman of the Pennsylvania Public Utility Commission, or his designee, the Secretary of the Department of Environmental Resources, or his designee and the Secretary of Commerce, or his designee, who shall be chairman of the council.~~

~~The President pro tempore of the Senate and the Speaker of the House also shall each appoint six members, one from the majority party and one from the minority from their respective Houses and four who shall be persons possessing knowledge and experience in the supply and use of oil, gas and electricity respectively.~~

~~From the effective date of this act, the first appointed members shall serve as follows: Three members for a term of two years, three members for a term of three years, and two members for a term of four years. Successors of these first appointed members shall be appointed for terms of four years. Members may serve successive terms if appointed to do so.~~

~~When a vacancy occurs, a new member shall be appointed by the appointing authority who made the appointment now vacant to serve the residue of the term.~~

~~Section 3. None of the members of the council shall receive~~

~~1 compensation, but each of them shall be reimbursed for expenses~~
~~2 actually incurred in the performance of their duties. Such~~
~~3 expenses shall be reimbursed by warrant, signed by the Chairman~~
~~4 of the Pennsylvania Public Utility Commission and the chairman~~
~~5 of the council, and shall be charged in equal shares against~~
~~6 funds of the Pennsylvania Public Utility Commission and the~~
~~7 Department of Commerce.~~

~~8 Section 4. The council shall have the following duties:~~

~~9 (a) To investigate, study and predict the probable energy~~
~~10 needs of the people and industry of the Commonwealth, classified~~
~~11 according to type of energy, and the uses to which such energy~~
~~12 will be put.~~

~~13 (b) To investigate, study and predict the probable available~~
~~14 energy supply available to the people and industry of the~~
~~15 Commonwealth, classified according to type of energy.~~

~~16 (c) To study ways and means to ameliorate or avert energy~~
~~17 supply deficiencies in relation to energy needs, including but~~
~~18 not limited to ways and means to increase the production or~~
~~19 importation of energy, and ways and means to encourage the~~
~~20 conservation of energy and prevent its waste.~~

~~21 (d) To evaluate and assess all State energy policies and~~
~~22 their impact upon the economy and the environment.~~

~~23 (e) Upon request of the President pro tempore of the Senate~~
~~24 or the Speaker of the House of Representatives, and at other~~
~~25 times upon its own initiative, to report its findings and~~
~~26 recommendations to the General Assembly and the Governor.~~

~~27 Section 5. The council shall have the following powers:~~

~~28 (a) To request any department, commission or other agency of~~
~~29 the Commonwealth, having investigatory powers on subjects~~
~~30 pertinent to the council's duties, to exercise those powers as~~

~~to such subjects, ascertain the facts, and report the results,
and its evaluation thereof, to the council.~~

~~(b) To request any department, commission or other agency of
the Commonwealth, having personnel competent on subjects
pertinent to the council's duties, to lend the assistance of
such personnel to the council. As used in this subsection, the
term "agency" shall include the Legislative Reference Bureau.~~

~~(c) To conduct informal meetings for the purpose of
obtaining information, enlisting the assistance of experts,
representatives of industries producing fuel or energy, and
other interested parties.~~

~~(d) To require the Pennsylvania Public Utility Commission
and the Department of Commerce to provide stenographic,
clerical, filing, reproducing, mailing and other office services
incident to the performance of its duties.~~

~~(e) To employ an executive secretary and a minimal expert
staff who shall be directly responsible to the council:
Provided, however, That the total compensation of all council
employees shall not exceed the sum of \$100,000 annually.~~

~~Section 6. This act shall take effect immediately.~~

SECTION 1. FINDINGS AND DECLARATION OF POLICY.

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THE GENERAL ASSEMBLY FINDS AS A FACT THAT THERE IS IN
PROSPECT FOR THE INDEFINITE FUTURE A SHORTAGE OF ALL FORMS OF
ENERGY, INCLUDING OIL, NATURAL GAS AND OTHER FUELS AND THE
ELECTRICITY INTO WHICH SUCH FUELS ARE SOMETIMES CONVERTED; AND
THAT SUCH SHORTAGE IS LIKELY TO CURTAIL INDUSTRIAL ACTIVITY,
INCREASE UNEMPLOYMENT AND THREATEN THE HEALTH, WELFARE AND
COMFORT OF CITIZENS OF THE COMMONWEALTH.

THE FUTURE WELL-BEING OF PENNSYLVANIA MAKES IT IMPERATIVE
THAT THE COMMONWEALTH PURSUE A POLICY THAT WILL RESULT IN AN

1 ENERGY PROGRAM THAT WILL PROVIDE ADEQUATE SUPPLY OF POWER FOR
2 PENNSYLVANIA.

3 THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE
4 COMMONWEALTH OF PENNSYLVANIA TO MAKE PLANS THAT WILL ENCOURAGE
5 THE FUTURE GROWTH OF POWER SUPPLIES AND THE DEVELOPMENT OF OUR
6 NATURAL RESOURCES SO THAT THE COMMONWEALTH WILL PROGRESS
7 ECONOMICALLY, ECOLOGICALLY AND SOCIALLY.

8 BECAUSE OF THE COMPLEXITY OF THE PROBLEM, THE DIVERSE FACTORS
9 THAT MAKE UP THE SOLUTION AND THE NEED FOR A COORDINATED POLICY
10 THAT CROSSES DEPARTMENTAL AUTHORITY AND LOCAL GOVERNMENT
11 BOUNDARY LINES, THE GENERAL ASSEMBLY CREATES THE PENNSYLVANIA
12 ENERGY COUNCIL AS THE ONE AUTHORITY THAT HAS JURISDICTION OVER
13 THE STUDY OF THE DEVELOPMENT AND GROWTH OF ENERGY RESOURCES.

14 THE COUNCIL HAS AUTHORITY TO PREDICT FUTURE ENERGY NEEDS OF
15 THE COMMONWEALTH, TO OUTLINE THE COURSE THAT NEEDS TO BE PURSUED
16 TO KEEP NEEDS AND AVAILABLE SUPPLY IN BALANCE, TO ENLIST THE AID
17 OF THE MOST COMPETENT PERSONS IN THE ENERGY FIELD AND MAINTAIN
18 CONTINUOUS SURVEILLANCE OF ENERGY CONDITIONS AND TO MAKE
19 RECOMMENDATIONS FOR LEGISLATION THAT WOULD AMELIORATE OR AVERT
20 FUTURE ENERGY SHORTAGES.

21 THE PENNSYLVANIA ENERGY COUNCIL SHALL FORMULATE A
22 COMPREHENSIVE, INTEGRATED, LONG-RANGE ENERGY PLAN FOR THE
23 COMMONWEALTH AND A PROGRAM FOR THE UTILIZATION OF THE
24 COMMONWEALTH'S FUEL SUPPLIES THAT WILL MEET THE PRESENT AND
25 FUTURE ENERGY NEEDS OF THE PEOPLE OF THE COMMONWEALTH.

26 FURTHER, IT IS THE POLICY OF THE COMMONWEALTH OF PENNSYLVANIA
27 THAT INDIVIDUALS, INTERESTED GROUPS, REPRESENTATIVES OF
28 GOVERNMENTAL BODIES, UTILITY REPRESENTATIVES AND EXPERTS IN THE
29 FIELD OF ENERGY PARTICIPATE IN TIMELY AND MEANINGFUL PUBLIC
30 HEARINGS AS PART OF THE DECISION-MAKING PROCESS IN THE FORMATION

1 OF SUCH A PROGRAM AND IN THE SELECTION OF SITES FOR FACILITIES
2 AND TRANSMISSION ROUTES.

3 IT IS FURTHER THE POLICY OF THE COMMONWEALTH OF PENNSYLVANIA
4 THAT EVERY EFFORT BE MADE TO MAKE COAL THE PRIMARY SOURCE OF
5 ENERGY IN PENNSYLVANIA.

6 SECTION 2. COUNCIL ESTABLISHED.

7 THERE IS HEREBY CREATED AS AN ARM OF THE GENERAL ASSEMBLY A
8 PENNSYLVANIA ENERGY COUNCIL COMPOSED OF 15 MEMBERS, CONSISTING
9 OF THE SECRETARY OF COMMERCE, THE SECRETARY OF ENVIRONMENTAL
10 RESOURCES, THE CHAIRMAN OF THE PUBLIC UTILITY COMMISSION OR
11 THEIR RESPECTIVE DESIGNEES, TWO MEMBERS OF THE STATE SENATE WHO
12 SHALL BE FROM DIFFERENT POLITICAL PARTIES AND APPOINTED BY THE
13 PRESIDENT PRO TEMPORE OF THE SENATE, TWO MEMBERS OF THE HOUSE OF
14 REPRESENTATIVES, WHO SHALL BE FROM DIFFERENT POLITICAL PARTIES
15 AND APPOINTED BY THE SPEAKER OF THE HOUSE AND THE FOLLOWING TO
16 BE APPOINTED BY THE GOVERNOR: EIGHT CITIZENS, AT LEAST TWO OF
17 WHICH MUST BE MEMBERS OF CONSUMER OR ENVIRONMENTAL GROUPS AND
18 FOUR WHO SHALL BE PERSONS POSSESSING KNOWLEDGE AND EXPERIENCE IN
19 THE SUPPLY AND USE OF OIL, GAS, COAL AND ELECTRICITY
20 RESPECTIVELY AND TWO FROM THE ACADEMIC COMMUNITY WHO HAVE
21 EXPERTISE IN ENERGY RELATED FIELDS. THE TERMS OF THE MEMBERS
22 APPOINTED BY THE GOVERNOR SHALL BE FOR THREE YEARS EACH. TERMS
23 OF MEMBERS OF THE GENERAL ASSEMBLY WILL BE FOR TWO YEARS EACH,
24 EXCEPT THAT THEY SHALL NOT SERVE ON THE COUNCIL IF THEIR TERM OF
25 OFFICE HAS EXPIRED.

26 THE SECRETARY OF COMMERCE SHALL SERVE AS TEMPORARY CHAIRMAN
27 OF THE COUNCIL AND SHALL CALL THE FIRST MEETING WITHIN 30 DAYS
28 AFTER THIS LEGISLATION SHALL BECOME LAW. AT THE INITIAL MEETING
29 AND AT THE FIRST MEETING EACH YEAR THEREAFTER THE COMMISSION
30 SHALL ELECT ONE OF ITS MEMBERS AS CHAIRMAN, ANOTHER AS VICE

1 CHAIRMAN AND A THIRD AS SECRETARY. MEMBERS SHALL BE REIMBURSED
2 FOR ACTUAL AND NECESSARY EXPENSES. THE COMMISSION MAY RETAIN AND
3 FIX THE SALARY AND COMPENSATION FOR AN EXECUTIVE DIRECTOR AND
4 SUCH PROFESSIONAL, CLERICAL AND STENOGRAPHIC PERSONNEL AS IT MAY
5 REQUIRE IN ACCORDANCE WITH THE ACT OF APRIL 9, 1929 (P.L.177,
6 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929" AND WITHIN
7 BUDGETARY LIMITATIONS.

8 VACANCIES SHALL BE FILLED FOR UNEXPIRED TERMS IN THE SAME
9 MANNER AS ORIGINAL APPOINTMENTS.

10 SECTION 3. COMPENSATION.

11 NONE OF THE MEMBERS OF THE COUNCIL SHALL RECEIVE A SALARY.
12 EXPENSES ACTUALLY INCURRED SHALL BE REIMBURSED BY WARRANT,
13 SIGNED BY THE EXECUTIVE DIRECTOR OR THE CHAIRMAN OF THE COUNCIL.

14 SECTION 4. PLANNING REQUIREMENTS.

15 (A) THE COUNCIL SHALL PREPARE, MAINTAIN AND PUBLISH A
16 COMPREHENSIVE, LONG-RANGE AND INTEGRATED ENERGY RESOURCES PLAN
17 FOR THE COMMONWEALTH DESIGNED TO MEET THE PRESENT AND FUTURE
18 ENERGY NEEDS OF THE COMMONWEALTH PURSUANT TO THIS ACT, AS
19 FOLLOWS:

20 (1) THE COUNCIL SHALL DELIVER SUCH A PLAN ANNUALLY TO
21 THE GENERAL ASSEMBLY OF THE COMMONWEALTH WITH THE FIRST SUCH
22 PLAN BEING PRESENTED NOT MORE THAN ONE YEAR FROM THE
23 EFFECTIVE DATE OF THIS ACT AND SUCH ADDITIONAL PLANS BEING
24 PRESENTED ON OR BEFORE THE ANNIVERSARY DATE OF THE FIRST
25 PLAN.

26 (2) THE PLAN SHALL INCLUDE ENERGY SUPPLY PROJECTIONS,
27 FUEL SUPPLY PROJECTIONS, FUEL SUPPLY LOCATIONS AND THE NEED
28 FOR DEVELOPMENT OF ENERGY AND FUEL SUPPLIES IN A TIMELY,
29 EFFICIENT, ECOLOGICAL AND ECONOMICAL MANNER.

30 (3) THE PLAN SHALL INCLUDE AN INVENTORY OF POTENTIAL

1 ENERGY SITES.

2 (4) THE COUNCIL SHALL, AS PART OF ITS ANNUAL REPORT,
3 RECOMMEND SUCH LEGISLATION TO THE GENERAL ASSEMBLY AS IT
4 DEEMS NECESSARY.

5 (5) IN ORDER TO FORMULATE THE PLAN THE COUNCIL MAY
6 REQUIRE SUCH INFORMATION AS NECESSARY FROM SUCH CORPORATIONS,
7 COOPERATIVES AND MUNICIPAL CORPORATIONS AS ARE ACTIVE IN THE
8 FIELD OF POWER SUPPLY, ENERGY OR SUPPLY OF FUEL FOR POWER
9 SUPPLY AS IT MAY DEEM NECESSARY AND THAT THE OFFICE MAY
10 PREPARE AND DISTRIBUTE FORMS UPON WHICH SUCH INFORMATION
11 SHALL BE PRODUCED.

12 (6) IN ORDER TO FORMULATE THE PLAN, THE COUNCIL MAY
13 ORDER SUCH PUBLIC HEARINGS AS IT MAY DEEM NECESSARY, BUT NOT
14 LESS THAN THREE IN DIFFERENT PARTS OF THE COMMONWEALTH EACH
15 YEAR, TAKE TESTIMONY, ISSUE SUBPOENAS UNDER THE SEAL OF THE
16 DIRECTOR COMMANDING ANY PERSON TO APPEAR AT THE HEARINGS AND
17 ANSWER QUESTIONS TOUCHING MATTERS PROPERLY BEING INQUIRED
18 INTO AND TO PRODUCE SUCH BOOKS, PAPERS, RECORDS AND DOCUMENTS
19 AS DEEMED NECESSARY.

20 (7) IN RECOGNITION OF THE DIVERSE FACTORS THAT ENTER
21 INTO THE PUBLIC HEARINGS, THE COUNCIL SHALL INVITE ALL
22 INTERESTED CITIZENS, GROUPS AND REPRESENTATIVES OF POLITICAL
23 SUBDIVISIONS AND OTHERS INTERESTED TO PARTICIPATE IN THE
24 PUBLIC HEARINGS.

25 (8) THE COUNCIL MAY REQUEST AND SHALL RECEIVE FROM ANY
26 UNIT OF LOCAL GOVERNMENT OR ANY DEPARTMENT, BOARD, BUREAU,
27 COMMISSION, OFFICE OR OTHER INSTRUMENTALITY OF THIS
28 COMMONWEALTH SUCH ASSISTANCE AND DATA AS IT DETERMINES IS
29 NECESSARY OR DESIRABLE IN CARRYING OUT THIS ACT.

30 (9) IN ORDER TO FORMULATE SUCH PLAN, THE COUNCIL SHALL

1 BE AUTHORIZED AND EMPOWERED TO UNDERTAKE ANY STUDIES,
2 INQUIRIES OR ANALYSIS AS IT MAY DEEM NECESSARY THROUGH ITS
3 OWN PERSONNEL, IN COOPERATION WITH ANY OTHER PRIVATE AGENCY
4 OR THROUGH SUCH CONTRACTS WITH SUCH OUTSIDE EXPERTS AS IT MAY
5 DEEM NECESSARY, PROVIDED THAT SUCH CONTRACTS ARE MADE IN
6 ACCORDANCE WITH THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
7 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929" AND WITHIN
8 BUDGETARY LIMITATIONS.

9 (B) THE COUNCIL MAY ASSIST IN THE DEVELOPMENT OF NEW METHODS
10 OF USING THE ENERGY AND FUEL RESOURCES AVAILABLE WITHIN THE
11 COMMONWEALTH. SPECIAL EMPHASIS SHALL BE PLACED ON THE
12 DEVELOPMENT OF COAL AS A FUEL SUPPLY.

13 (C) THE COUNCIL SHALL COORDINATE PROGRAMS AND PLANS OF
14 CORPORATIONS, COOPERATIVES AND MUNICIPAL AUTHORITIES IN
15 CONJUNCTION WITH POWER SUPPLIES AND FUEL RESOURCES.

16 (D) THE COUNCIL SHALL RECEIVE FROM THE COUNCIL OF CIVIL
17 DEFENSE PLANS TO DISTRIBUTE EMERGENCY FUEL SUPPLIES IN THE CASE
18 OF EMERGENCY WITH SPECIAL EMPHASIS ON PLANS TO SUPPLY HARD-TO-
19 REACH AREAS.

20 SECTION 5. FEDERAL COORDINATION.

21 THE COUNCIL SHALL COOPERATE WITH FEDERAL AND INTERSTATE
22 AUTHORITIES AND IS EMPOWERED TO ACT AS A COORDINATING AGENCY
23 WITH FEDERAL AND INTERSTATE AUTHORITIES IN PLANNING FOR THE
24 FUTURE ENERGY NEEDS OF THE COMMONWEALTH.

25 IN THE FORMULATION OF THE PLAN, THE COUNCIL SHALL MEET THE
26 REQUIREMENTS OF THE FEDERAL ENERGY POLICY AND CONSERVATION ACT
27 (PUBLIC LAW 94-163), INCLUDING THE FOLLOWING:

28 (1) PROGRAMS TO PROMOTE CARPOOLS AND PUBLIC
29 TRANSPORTATION.

30 (2) MANDATORY LIGHTING EFFICIENCY STANDARDS FOR PUBLIC

1 BUILDINGS.

2 (3) MANDATORY THERMAL EFFICIENCY STANDARDS AND
3 INSULATION REQUIREMENTS ON ALL BUILDINGS.

4 (4) MANDATORY ENERGY EFFICIENCY STANDARDS.

5 SECTION 6. ABOLITION.

6 THE GENERAL ASSEMBLY HEREBY ABOLISHES THE GOVERNOR'S ENERGY
7 COUNCIL AND ALL OTHER SUCH ORGANIZATIONS WITHIN THE GOVERNMENT
8 OF THE COMMONWEALTH OF PENNSYLVANIA AND TRANSFERS REMAINING
9 APPROPRIATIONS FROM THE GOVERNOR'S ENERGY COUNCIL TO THE
10 PENNSYLVANIA ENERGY COUNCIL, ALONG WITH ALL RECORDS, CONTRACTS,
11 DOCUMENTS AND SIMILAR MATERIAL. ALL FEDERAL FUNDS ALLOCATED TO
12 THE GOVERNOR'S ENERGY COUNCIL SHALL ALSO BE TRANSFERRED.

13 SECTION 7. APPROPRIATION.

14 THE SUM OF \$400,000, OR SUCH PORTION AS IS NECESSARY, IS
15 HEREBY APPROPRIATED TO THE COUNCIL FOR THE 1977-1978 FISCAL
16 YEAR, PROVIDED, HOWEVER, THAT IF THE FUNDS HAVE PREVIOUSLY BEEN
17 APPROPRIATED TO THE GOVERNOR'S ENERGY COUNCIL NO FUNDS WILL BE
18 APPROPRIATED.

19 SECTION 8. EFFECTIVE DATE.

20 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.