

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 191

Session of
1977

INTRODUCED BY MESSRS. TAYLOR, L. E. SMITH, BENNETT, GARZIA,
B. F. O'BRIEN, SWEET, J. L. WRIGHT, BURNS, SCHEAFFER,
KUSSE, LEHR, MEBUS, TRELLO, HALVERSON, SHUMAN,
A. C. FOSTER, DOMBROWSKI, PYLES AND DeWEESE, FEBRUARY 9, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1977

AN ACT

1 Creating the Pennsylvania Energy Council; prescribing its duties
2 and powers; providing for the payment of its expenses;
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. Findings and declaration of policy.

8 The General Assembly finds as a fact that there is in
9 prospect for the indefinite future a shortage of all forms of
10 energy, including oil, natural gas and other fuels and the
11 electricity into which such fuels are sometimes converted; and
12 that such shortage is likely to curtail industrial activity,
13 increase unemployment and threaten the health, welfare and
14 comfort of citizens of the Commonwealth.

15 The future well-being of Pennsylvania makes it imperative
16 that the Commonwealth pursue a policy that will result in an
17 energy program that will provide adequate supply of power for

1 Pennsylvania.

2 The General Assembly declares that it is the policy of the
3 Commonwealth of Pennsylvania to make plans that will encourage
4 the future growth of power supplies and the development of our
5 natural resources so that the Commonwealth will progress
6 economically, ecologically and socially.

7 Because of the complexity of the problem, the diverse factors
8 that make up the solution and the need for a coordinated policy
9 that crosses departmental authority and local government
10 boundary lines, the General Assembly creates the Pennsylvania
11 Energy Council as the one authority that has jurisdiction over
12 the study of the development and growth of energy resources.

13 The council has authority to predict future energy needs of
14 the Commonwealth, to outline the course that needs to be pursued
15 to keep needs and available supply in balance, to enlist the aid
16 of the most competent persons in the energy field and maintain
17 continuous surveillance of energy conditions and to make
18 recommendations for legislation that would ameliorate or avert
19 future energy shortages.

20 The Pennsylvania Energy Council shall formulate a
21 comprehensive, integrated, long-range energy plan for the
22 Commonwealth and a program for the utilization of the
23 Commonwealth's fuel supplies that will meet the present and
24 future energy needs of the people of the Commonwealth.

25 Further, it is the policy of the Commonwealth of Pennsylvania
26 that individuals, interested groups, representatives of
27 governmental bodies, utility representatives and experts in the
28 field of energy participate in timely and meaningful public
29 hearings as part of the decision-making process in the formation
30 of such a program and in the selection of sites for facilities

1 and transmission routes.

2 It is further the policy of the Commonwealth of Pennsylvania
3 that every effort be made to make coal the primary source of
4 energy in Pennsylvania.

5 Section 2. Council established.

6 There is hereby created as an arm of the General Assembly a
7 Pennsylvania Energy Council composed of 15 members, consisting
8 of the Secretary of Commerce, the Secretary of Environmental
9 Resources, the Chairman of the Public Utility Commission or
10 their respective designees, two members of the State Senate who
11 shall be from different political parties and appointed by the
12 President pro tempore of the Senate, two members of the House of
13 Representatives, who shall be from different political parties
14 and appointed by the Speaker of the House and the following to
15 be appointed by the Governor: eight citizens, at least two of
16 which must be members of consumer or environmental groups and
17 four who shall be persons possessing knowledge and experience in
18 the supply and use of oil, gas, coal and electricity
19 respectively and two from the academic community who have
20 expertise in energy related fields. The terms of the members
21 appointed by the Governor shall be for three years each. Terms
22 of members of the General Assembly will be for two years each,
23 except that they shall not serve on the council if their term of
24 office has expired.

25 The Secretary of Commerce shall serve as temporary chairman
26 of the council and shall call the first meeting within 30 days
27 after this legislation shall become law. At the initial meeting
28 and at the first meeting each year thereafter the commission
29 shall elect one of its members as chairman, another as vice
30 chairman and a third as secretary. Members shall be reimbursed

1 for actual and necessary expenses. The commission may retain and
2 fix the salary and compensation for an executive director and
3 such professional, clerical and stenographic personnel as it may
4 require in accordance with the act of April 9, 1929 (P.L.177,
5 No.175), known as "The Administrative Code of 1929" and within
6 budgetary limitations.

7 Vacancies shall be filled for unexpired terms in the same
8 manner as original appointments.

9 Section 3. Compensation.

10 None of the members of the council shall receive a salary.
11 Expenses actually incurred shall be reimbursed by warrant,
12 signed by the executive director or the chairman of the council.

13 Section 4. Planning requirements.

14 (a) The council shall prepare, maintain and publish a
15 comprehensive, long-range and integrated energy resources plan
16 for the Commonwealth designed to meet the present and future
17 energy needs of the Commonwealth pursuant to this act, as
18 follows:

19 (1) The council shall deliver such a plan annually to
20 the General Assembly of the Commonwealth with the first such
21 plan being presented not more than one year from the
22 effective date of this act and such additional plans being
23 presented on or before the anniversary date of the first
24 plan.

25 (2) The plan shall include energy supply projections,
26 fuel supply projections, fuel supply locations and the need
27 for development of energy and fuel supplies in a timely,
28 efficient, ecological and economical manner.

29 (3) The plan shall include an inventory of potential
30 energy sites.

1 (4) The council shall, as part of its annual report,
2 recommend such legislation to the General Assembly as it
3 deems necessary.

4 (5) In order to formulate the plan the council may
5 require such information as necessary from such corporations,
6 cooperatives and municipal corporations as are active in the
7 field of power supply, energy or supply of fuel for power
8 supply as it may deem necessary and that the office may
9 prepare and distribute forms upon which such information
10 shall be produced.

11 (6) In order to formulate the plan, the council may
12 order such public hearings as it may deem necessary, but not
13 less than three in different parts of the Commonwealth each
14 year, take testimony, issue subpoenas under the seal of the
15 director commanding any person to appear at the hearings and
16 answer questions touching matters properly being inquired
17 into and to produce such books, papers, records and documents
18 as deemed necessary.

19 (7) In recognition of the diverse factors that enter
20 into the public hearings, the council shall invite all
21 interested citizens, groups and representatives of political
22 subdivisions and others interested to participate in the
23 public hearings.

24 (8) The council may request and shall receive from any
25 unit of local government or any department, board, bureau,
26 commission, office or other instrumentality of this
27 Commonwealth such assistance and data as it determines is
28 necessary or desirable in carrying out this act.

29 (9) In order to formulate such plan, the council shall
30 be authorized and empowered to undertake any studies,

1 inquiries or analysis as it may deem necessary through its
2 own personnel, in cooperation with any other private agency
3 or through such contracts with such outside experts as it may
4 deem necessary, provided that such contracts are made in
5 accordance with the act of April 9, 1929 (P.L.177, No.175),
6 known as "The Administrative Code of 1929" and within
7 budgetary limitations.

8 (b) The council may assist in the development of new methods
9 of using the energy and fuel resources available within the
10 Commonwealth. Special emphasis shall be placed on the
11 development of coal as a fuel supply.

12 (c) The council shall coordinate programs and plans of
13 corporations, cooperatives and municipal authorities in
14 conjunction with power supplies and fuel resources.

15 (d) The council shall receive from the Council of Civil
16 Defense plans to distribute emergency fuel supplies in the case
17 of emergency with special emphasis on plans to supply hard-to-
18 reach areas.

19 Section 5. Federal coordination.

20 The council shall cooperate with Federal and interstate
21 authorities and is empowered to act as a coordinating agency
22 with Federal and interstate authorities in planning for the
23 future energy needs of the Commonwealth.

24 In the formulation of the plan, the council shall meet the
25 requirements of the Federal Energy Policy and Conservation Act
26 (Public Law 94-163), including the following:

27 (1) Programs to promote carpools and public
28 transportation.

29 (2) Mandatory lighting efficiency standards for public
30 buildings.

1 (3) Mandatory thermal efficiency standards and
2 insulation requirements on all buildings.

3 (4) Mandatory energy efficiency standards.

4 Section 6. Abolition.

5 The General Assembly hereby abolishes the Governor's Energy
6 Council and all other such organizations within the government
7 of the Commonwealth of Pennsylvania and transfers remaining
8 appropriations from the Governor's Energy Council to the
9 Pennsylvania Energy Council, along with all records, contracts,
10 documents and similar material. All Federal Funds allocated to
11 the Governor's Energy Council shall also be transferred.

12 Section 7. Appropriation.

13 ~~The sum of \$400,000, or such portion as is necessary, is~~ <—
14 ~~hereby appropriated to the council for the 1977-1978 fiscal~~
15 ~~year, provided, however, that if the funds have previously been~~
16 ~~appropriated to the Governor's Energy Council no funds will be~~
17 ~~appropriated.~~ ALL MONEY PREVIOUSLY APPROPRIATED TO THE <—
18 GOVERNOR'S ENERGY COUNCIL FROM ALL SOURCES FOR THE FISCAL YEAR
19 1977-1978 AND REMAINING UNSPENT SHALL BE LAPSED BY THE BUDGET
20 SECRETARY ON THE EFFECTIVE DATE OF THIS ACT AND IS HEREBY
21 SPECIFICALLY REAPPROPRIATED TO THE PENNSYLVANIA ENERGY COUNCIL
22 FOR THE REMAINDER OF THE FISCAL YEAR 1977-1978.

23 Section 8. Effective date.

24 This act shall take effect immediately.