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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2701** Session of  
1988

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INTRODUCED BY DALEY, STAIRS, PETRARCA, J. L. WRIGHT, HALUSKA,  
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WOZNIAK, OCTOBER 4, 1988

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REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
OCTOBER 4, 1988

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," establishing the Department  
21 of Energy and providing for its powers and duties; creating  
22 the Energy Research and Development Advisory Board and  
23 prescribing its functions; further providing for the  
24 composition of the Environmental Quality Board and for  
25 special powers relating to State vehicles; providing for  
26 energy or fuel supply emergencies and for coordination of  
27 monitoring of supplies of energy resources; further providing  
28 for the composition of the Energy Development Authority and  
29 for indebtedness of the Energy Development Authority; and  
30 transferring personnel, appropriations and equipment.

31 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,  
3 No.175), known as The Administrative Code of 1929, amended  
4 December 30, 1984 (P.L.1299, No.245) and repealed in part May  
5 26, 1988 (P.L.414, No.72), is amended to read:

6 Section 201. Executive Officers, Administrative Departments  
7 and Independent Administrative Boards and Commissions.--The  
8 executive and administrative work of this Commonwealth shall be  
9 performed by the Executive Department, consisting of the  
10 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
11 Attorney General, Auditor General, State Treasurer, and  
12 Secretary of Education; by the Executive Board, and the  
13 Pennsylvania State Police; by the following administrative  
14 departments: Department of State, Office of Attorney General,  
15 Department of Corrections, Department of the Auditor General,  
16 Treasury Department, Department of Education, Department of  
17 Military Affairs, Insurance Department, Department of Banking,  
18 Department of Agriculture, Department of Transportation,  
19 Department of Health, Department of Labor and Industry,  
20 Department of Aging, Department of Public Welfare, Department of  
21 General Services, Department of Revenue, Department of Commerce,  
22 Department of Community Affairs [and], Department of  
23 Environmental Resources and Department of Energy; and by the  
24 following independent administrative boards and commissions:  
25 Pennsylvania Game Commission, Pennsylvania Fish Commission,  
26 State Civil Service Commission, Pennsylvania Public Utility  
27 Commission, the Pennsylvania Historical and Museum Commission  
28 and the Pennsylvania Securities Commission.

29 All of the provisions of this act, which apply generally to  
30 administrative departments, or generally except to the

1 Department of the Auditor General, the Treasury Department and  
2 the Office of Attorney General, shall apply to the Executive  
3 Board and to the Pennsylvania State Police.

4 Section 2. Section 203 of the act, amended December 3, 1970  
5 (P.L.834, No.275), July 22, 1975 (P.L.75, No.45), June 20, 1978  
6 (P.L.477, No.70), December 6, 1982 (P.L.774, No.223) and June  
7 30, 1988 (P.L.475, No.80) and repealed in part April 29, 1988  
8 (P.L.381, No.60), is amended to read:

9 Section 203. Advisory Boards and Commissions.--The following  
10 advisory boards and commissions are placed in and made parts of  
11 the respective administrative departments, as follows:

12 In the Department of Military Affairs,

13 State Military Reservation Commission,

14 In the Department of Environmental Resources,

15 Citizens Advisory Council;

16 In the Department of Health,

17 Advisory Health Board;

18 In the Department of Labor and Industry,

19 Advisory Council on Affairs of the Handicapped,

20 Advisory Board on Problems of Older Workers,

21 Policy, Planning and Evaluation Advisory Committee;

22 In the Department of Public Welfare,

23 State Board of Public Welfare,

24 Advisory Committee for the Blind,

25 Advisory Committee for General and Special Hospitals,

26 Advisory Committee for Children and Youth,

27 Advisory Committee for Public Assistance,

28 Advisory Committee for Mental Health and Mental

29 Retardation;

30 In the Department of Commerce,

1 Board of the Ben Franklin Partnership Fund[.];

2 In the Department of Energy,

3 Energy Research and Development Advisory Board.

4 Section 3. Sections 206 and 207.1(d)(1) of the act, amended  
5 December 30, 1984 (P.L.1299, No.245), are amended to read:

6 Section 206. Department Heads.--Each administrative  
7 department shall have as its head an officer who shall, either  
8 personally, by deputy, or by the duly authorized agent or  
9 employe of the department, and subject at all times to the  
10 provisions of this act, exercise the powers and perform the  
11 duties by law vested in and imposed upon the department.

12 The following officers shall be the heads of the  
13 administrative departments following their respective titles:

14 Secretary of the Commonwealth, of the Department of State;  
15 Auditor General, of the Department of the Auditor General;  
16 State Treasurer, of the Treasury Department;  
17 Attorney General, of the Office of Attorney General;  
18 Secretary of Education, of the Department of Education;  
19 Adjutant General, of the Department of Military Affairs;  
20 Insurance Commissioner, of the Insurance Department;  
21 Secretary of Banking, of the Department of Banking;  
22 Secretary of Agriculture, of the Department of Agriculture;  
23 Secretary of Transportation, of the Department of  
24 Transportation;  
25 Secretary of Health, of the Department of Health;  
26 Secretary of Labor and Industry, of the Department of Labor  
27 and Industry;  
28 Secretary of Aging, of the Department of Aging;  
29 Secretary of Public Welfare, of the Department of Public  
30 Welfare;

1 Secretary of Revenue, of the Department of Revenue;

2 Secretary of Commerce, of the Department of Commerce;

3 Secretary of Community Affairs, of the Department of

4 Community Affairs;

5 Secretary of Environmental Resources, of the Department of

6 Environmental Resources;

7 Secretary of Energy, of the Department of Energy;

8 Secretary of General Services, of the Department of General

9 Services;

10 Secretary of Corrections, of the Department of Corrections.

11 Section 207.1. Gubernatorial Appointments.--\* \* \*

12 (d) The Governor shall nominate in accordance with the  
13 provisions of the Constitution of the Commonwealth of  
14 Pennsylvania and, by and with the advice and consent of a  
15 majority of the members elected to the Senate appoint persons to  
16 fill the following positions:

17 (1) The Secretary of Education, the Secretary of the  
18 Commonwealth, the Adjutant General, the Insurance Commissioner,  
19 the Secretary of Banking, the Secretary of Agriculture, the  
20 Secretary of Transportation, the Secretary of Health, the  
21 Commissioner of the State Police, the Secretary of Corrections,  
22 the Secretary of Labor and Industry, the Secretary of Aging, the  
23 Secretary of Public Welfare, the Secretary of General Services,  
24 the Secretary of Revenue, the Secretary of Commerce, the  
25 Secretary of Community Affairs [and], the Secretary of  
26 Environmental Resources and the Secretary of Energy.

27 \* \* \*

28 Section 4. Section 448 of the act is amended by adding a  
29 clause to read:

30 Section 448. Advisory Boards and Commissions.--The advisory

1 boards and commissions, within the several administrative  
2 departments, shall be constituted as follows:

3 \* \* \*

4 (q) The Energy Research and Development Advisory Board shall  
5 consist of the Secretary of Energy, the Secretary of Commerce,  
6 the Secretary of Environmental Resources, the Chairman of the  
7 Pennsylvania Public Utility Commission, the Executive Director  
8 of the Energy Development Authority and eight (8) members  
9 appointed by the Governor, one (1) of whom shall be designated  
10 as chairman. The eight (8) appointed members shall be  
11 knowledgeable in fields related to energy development,  
12 production and use and shall be appointed by the Governor as  
13 follows: two (2) members shall be from an electric power utility  
14 which operates at least one coal-fired generating station, one  
15 (1) member shall be the owner or an operator of a gas or oil  
16 producing operation, one (1) member shall be the owner or an  
17 operator of an anthracite coal mining operation, one (1) member  
18 shall be the owner or an operator of a bituminous coal mining  
19 operation, one (1) member shall be from a small power producer  
20 or shall be knowledgeable in renewable energy resources and two  
21 (2) members shall be from the energy research staff of an  
22 accredited Pennsylvania university or college. The membership of  
23 the Energy Research Development Advisory Board shall also  
24 include four (4) members of the General Assembly or their  
25 designees, one (1) appointed by the President pro tempore of the  
26 Senate, one (1) by the Minority Leader of the Senate, one (1) by  
27 the Speaker of the House of Representatives and one (1) by the  
28 Minority Leader of the House of representatives.

29 The term of office of each member appointed by the Governor  
30 shall be four (4) years, measured from the third Tuesday of

1 January of the year in which the member takes office, or until  
2 his successor has been appointed except, that in the initial  
3 appointments of the members of the board, the Governor shall  
4 appoint four (4) members for terms of two (2) years each and  
5 four (4) members for terms of three (3) years each.

6 Any member appointed to fill a vacancy created otherwise than  
7 by expiration of a term shall be appointed for the unexpired  
8 term of the member whom he is to succeed. Members of the board  
9 shall not receive any compensation for their service, but shall  
10 be reimbursed for actual and necessary expenses incurred in the  
11 performance of their duties and shall receive a per diem  
12 allowance of ninety dollars (\$90).

13 A majority of the members shall constitute a quorum. Meetings  
14 of the board shall be held at least quarterly or at the call of  
15 the chairman, or at the request of at least six (6) members of  
16 the board.

17 The Department of Energy shall provide technical assistance  
18 and support services to the board.

19 Section 5. Section 471 of the act, amended November 1, 1979  
20 (P.L.251, No.83), is amended to read:

21 Section 471. Environmental Quality Board.--The Environmental  
22 Quality Board shall consist of the Secretary of Environmental  
23 Resources, who shall be chairman thereof, the Secretary of  
24 Health, the Secretary of Commerce, the Secretary of  
25 Transportation, the Secretary of Agriculture, the Secretary of  
26 Labor and Industry, the Secretary of Community Affairs, the  
27 Secretary of Energy, the Executive Director of the Fish  
28 Commission, the Executive Director of the Game Commission, the  
29 Chairman of the Public Utilities Commission, the Executive  
30 Director of the State Planning Board, the Executive Director of

1 the Pennsylvania Historical and Museum Commission, [five] four  
2 members of the Citizens Advisory Council, and four members of  
3 the General Assembly. The Citizens Advisory Council members  
4 shall be designated by, and serve at the pleasure of, the  
5 Citizens Advisory Council. One of the General Assembly members  
6 shall be designated by, and serve at the pleasure of, the  
7 President Pro Tempore of the Senate, one by the Minority Leader  
8 of the Senate, one by the Speaker of the House of  
9 Representatives and one by the Minority Leader of the House of  
10 Representatives. In addition to the heads of the various  
11 departments as elsewhere in this act provided, the other members  
12 of the board may have named alternates to serve in their stead,  
13 the alternates for the members of the board from the Citizens  
14 Advisory Council to be selected by that council from members of  
15 the council and each other alternate to be selected by that  
16 particular member of the board in whose stead he is to serve. No  
17 person will serve as alternate for more than one board member.

18 Eight members of the board shall constitute a quorum.

19 Section 6. The act is amended by adding an article to read:

20 ARTICLE XIX-B

21 POWERS AND DUTIES OF THE DEPARTMENT OF ENERGY,

22 ITS OFFICERS AND ITS ADVISORY BOARD

23 Section 1901-B. Department of Energy Established.--The  
24 Department of Energy, which is hereby established as an  
25 administrative department, shall have the powers and duties  
26 granted to and imposed upon it by this article and by any other  
27 statutory provisions. In addition, the Department of Energy and  
28 the Secretary of Energy shall have all the powers and duties  
29 granted to and imposed upon the former Pennsylvania Energy  
30 Office prior to the effective date of this article.



1     Section 1902-B. The Department of Energy shall have the  
2 power and its duty shall be:

3     (1) To promote the development of this Commonwealth's  
4 indigenous energy resources, consistent with economic  
5 feasibility, environmental protection and public health and  
6 safety by providing information, technical assistance and  
7 financial assistance.

8     (2) To promote the efficient use and conservation of energy  
9 in this Commonwealth through the conduct of a Statewide  
10 educational program and by providing information, technical  
11 assistance and financial assistance.

12     (3) To serve as the primary agency in this Commonwealth for  
13 the collection, maintenance and analysis of information on all  
14 forms of energy, conservation of energy and related subjects.

15     (4) To maintain a liaison with energy producers, suppliers,  
16 distributors and consumers and other State and Federal agencies  
17 concerning energy-related matters.

18     (5) In cooperation with the Energy Research and Development  
19 Advisory Board and the Energy Development Authority, to promote  
20 research and development efforts which will contribute to the  
21 integrity and adequacy of Pennsylvania's energy resources, with  
22 priority given to research and development involving utilization  
23 of Pennsylvania's coal resources and pollution control methods  
24 which will facilitate utilization of Pennsylvania coal.

25     (6) To encourage the development of new markets for  
26 Pennsylvania's indigenous energy resources.

27     (7) To monitor energy prices and evaluate rate and price  
28 policies.

29     (8) To establish an energy information forecasting system.

30     (9) To determine the effect of energy and fuel shortages on

1 consumers.

2 (10) To coordinate the monitoring of energy or fuel supplies  
3 to determine whether there exists or is likely to exist an  
4 emergency shortage pursuant to section 2802-C(a) of this act and  
5 to conduct emergency allocation measures during a period of  
6 declared energy or fuel supply emergencies, pursuant to section  
7 2802-C(b) of this act in accordance with an Emergency Allocation  
8 Plan. The Emergency Allocation Plan shall be developed and  
9 implemented by the department in conjunction with the  
10 Pennsylvania Public Utility Commission and the Pennsylvania  
11 Emergency Management Agency and shall be part of the  
12 Pennsylvania Energy Policy and Plan.

13 (11) To review, study and monitor the efficiency of energy  
14 utilization in State Government operations and suggest remedial  
15 measures. The department shall direct all Commonwealth agencies  
16 to develop, subject to the department's approval, contingency  
17 plans for dealing with energy or fuel supply emergencies.  
18 Portions of emergency allocation or contingency plans which  
19 pertain to energy industries regulated by the Pennsylvania  
20 Public Utility Commission shall be made available to the  
21 department upon request.

22 (12) To assist in the review of plans, policies, rules and  
23 regulations of other Commonwealth agencies regarding energy  
24 development, production, conversion, distribution, transmission,  
25 use or conservation.

26 (13) To intervene in the proceedings of the Pennsylvania  
27 Public Utility Commission and regulatory proceedings of other  
28 State or Federal agencies if the proceedings relate to energy  
29 development, production, conversion, distribution, transmission,  
30 use or conservation.

1     (14) To apply for, accept and expend grants-in-aid and  
2 assistance for energy programs from public and private sources  
3 and to serve as the manager and coordinator of Federal energy  
4 grants, petroleum overcharge funds and private energy funds.

5     (15) To update and publish, at least once every five years,  
6 a Pennsylvania Energy Policy and Plan developed by the Energy  
7 Research and Development Advisory Board. The Pennsylvania Energy  
8 Policy and Plan shall include information regarding the  
9 development, production, distribution, consumption and  
10 conservation of energy in this Commonwealth. The Emergency  
11 Allocation Plan shall be included in the Pennsylvania Energy  
12 Policy and Plan. The Pennsylvania Energy Policy and Plan and any  
13 amendments thereto shall be submitted to the Governor and the  
14 General Assembly.

15     (16) To provide necessary staff and assistance to the Energy  
16 Research and Development Advisory Board and the Energy  
17 Development Authority.

18     (17) To assist in the implementation of the act of December  
19 15, 1980 (P.L.1203, No.222), known as the "Building Energy  
20 Conservation Act," and to establish a Building Energy  
21 Conservation Committee, pursuant to section 304 of the "Building  
22 Energy Conservation Act."

23     (18) To enter into interstate compacts or agreements to  
24 carry out energy research and planning with other states or the  
25 Federal Government.

26     (19) To advise the Governor and the General Assembly  
27 regarding State, Federal and international energy policies,  
28 practices, programs and legislation and to submit proposed  
29 legislation to the General Assembly for its consideration.

30     (20) To issue subpoenas and conduct hearings and

1 investigations.

2 (21) To acquire, purchase, grant and contract for eminent  
3 domain title to real property to demonstrate facilities for  
4 improved energy efficiency.

5 (22) To construct and operate facilities which improve  
6 energy efficiency.

7 (23) To contract with any other public agency or  
8 corporation.

9 (24) To keep complete and accurate minutes of all hearings  
10 held before the department or any division of the department.

11 (25) To promulgate regulations necessary to administer this  
12 article and to administer any applicable Federal regulations.

13 (26) To cooperate with all other Federal and State agencies  
14 in carrying out its responsibilities.

15 Section 1903-B. Organization.--The Department of Energy  
16 shall be organized into an Executive Office and three divisions.  
17 The Secretary of Energy shall appoint as the head of each of the  
18 following divisions a person knowledgeable and experienced in  
19 the areas for which that division is responsible:

20 (1) Office of Administration.

21 (2) Office of Energy Policy and Programs.

22 (3) Office of Energy Planning and Evaluation.

23 Section 1904-B. Divisions.--(a) The Secretary of Energy  
24 shall be responsible for the general administration and  
25 coordination of the Department of Energy and its divisions. The  
26 Secretary shall appoint a Chief Counsel who shall provide legal  
27 services to the department.

28 (b) The Office of Administration shall be headed by a Deputy  
29 Secretary for Administration who shall be appointed by the  
30 Secretary of Energy. The Office of Administration shall have

responsibility for personnel and fiscal management, information systems and office systems and services and shall have such other responsibilities as may be assigned by the Secretary of Energy.

(c) The Office of Energy Policy and Programs shall be headed by a Deputy Secretary for Energy Policy and Programs who shall be appointed by the Secretary of Energy. The Office of Energy Policy and Programs shall have responsibility for administration of grants, nuclear energy, fossil fuels, renewable energy resources, utility issues and energy conservation programs and shall have such other responsibilities as may be assigned by the Secretary of Energy.

(d) The Office of Energy Planning and Evaluation shall be headed by a Deputy Secretary for Energy Planning and Evaluation who shall be appointed by the Secretary of Energy. The Office of Energy Planning and Evaluation shall have responsibility for regulatory affairs, emergency preparedness, market evaluation and promotion, intergovernmental relations, community relations, public information and shall have such other responsibilities as may be assigned by the Secretary of Energy.

Section 1905-B. Salary of the Secretary of Energy.--The Secretary of Energy shall receive an annual salary, payable in equal semi-monthly installments of seventy-two thousand dollars (\$72,000).

Section 1906-B. Energy Research and Development Advisory Board.--(a) The Energy Research and Development Advisory Board shall have the responsibility for developing a Pennsylvania Energy Policy and Plan for this Commonwealth.

(b) The board shall assist and provide advice to the Secretary of Energy and the Energy Development Authority. The

1 Secretary of Energy and the Energy Development Authority shall  
2 work with and receive advice from the Energy Research and  
3 Development Advisory Board in the development of energy programs  
4 and projects in this Commonwealth.

5 (c) The functions of the Energy Research and Development  
6 Advisory Board shall include, but not be limited to, the  
7 following:

8 (1) Providing liaison among energy producers, labor  
9 organizations, academia and agencies of the Commonwealth and the  
10 United States on matters relating to energy and encouraging the  
11 exchange of information regarding energy research and  
12 development between the Commonwealth and other states and  
13 nations.

14 (2) Providing coordination and oversight of all energy  
15 research programs conducted at colleges and universities located  
16 within this Commonwealth and, where possible, provide  
17 coordination and oversight of all energy research programs  
18 conducted in the private sector.

19 (3) Recommending energy research and development projects,  
20 with priority being given to demonstrations of technology which  
21 enhance the production and use of Pennsylvania coals and the  
22 more efficient combustion of all fossil fuels. Before the board  
23 makes any recommendation, it shall first consult with agencies  
24 of the Federal government that have jurisdiction over matters  
25 involving energy, colleges and universities within this  
26 Commonwealth, and other state governments in order to avoid  
27 duplication of effort and expense.

28 (4) Assisting the Energy Development Authority in the  
29 evaluation of energy research and development projects which  
30 apply to the Energy Development Authority for financial or

1 technical assistance.

2 (5) Assisting the Secretary of Energy in developing  
3 environmentally sound, cost-effective energy programs and  
4 policies and procedures to implement such programs.

5 Section 7. Sections 2407.1, 2801-C and 2802-C of the act,  
6 added December 14, 1982 (P.L.1213, No.280), are amended to read:

7 Section 2407.1. Special Power Relating to State Vehicles.--

8 (a) The Department of General Services, in cooperation with the  
9 Department of Energy, shall, on an ongoing basis, monitor the  
10 research and development efforts to produce synthetic motor  
11 vehicle fuel derived in whole or in part from coal and shall  
12 determine the feasibility of converting State-owned vehicles to  
13 operate on such synthetic fuel.

14 (b) In making [its] the determination of the feasibility of  
15 using a synthetic motor vehicle fuel derived in whole or in part  
16 from coal, the [department is] departments are authorized to  
17 utilize such synthetic fuel in a limited number of State-owned  
18 vehicles on an experimental basis and to make necessary  
19 mechanical changes in those vehicles to facilitate the  
20 experimentation.

21 (c) If, as a result of the monitoring and experimentation  
22 conducted in accordance with subsections (a) and (b), the  
23 [department determines] departments determine that there is a  
24 sufficient, assured supply of such synthetic fuel which can be  
25 used in one or more State-owned vehicles at a reasonable cost  
26 and without creating any significant threat to the environment,  
27 the [department] departments shall submit to the General  
28 Assembly a plan for such conversion. Such plan shall be  
29 accompanied by a summary report setting forth the basis for the  
30 [department's] determination that such conversion is feasible.

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

5       "Authority" means the Energy Development Authority.

6       "Board" means the board of directors of the authority.

7       "Bond" or "Bonds" means notes, bonds, refunding or renewal  
8 notes and bonds and other evidence of indebtedness or  
9 obligations which the authority is authorized to issue.

10       "Cost" means the expense of construction and the expense of  
11 acquisition of all structures, lands and other property rights  
12 and interests in land necessary to a project. The term also  
13 includes the expense of demolishing, removing or relocating any  
14 buildings or structures on lands acquired or to be acquired,  
15 including the expense of acquiring any lands to which such  
16 buildings or structures may be moved or relocated; sewage  
17 treatment, waste treatment and pollution control facilities;  
18 railroad sidings, spurs or branch lines; all labor, materials,  
19 machinery and equipment, fixtures; financing charges; interest  
20 on all bonds prior to and during construction, and for a period  
21 of one year thereafter; engineering, financial and legal  
22 services; plans, specifications, studies, surveys necessary or  
23 incidental to determining the feasibility or practicability of  
24 constructing a project; administrative expenses; reserves for  
25 interest and for extension, enlargements, additions and  
26 improvements; and such other expenses as may be necessary or  
27 incidental to the construction of the project and the placing of  
28 the same in operation.

29       "Energy or fuel supply emergency" means a state of emergency,  
30 declared by proclamation of the Governor within twenty-four



1 hours after the occurrence of an energy resource shortage or  
2 supply or distribution problem resulting because of an absence  
3 of availability or a critically reduced supply of any energy  
4 source, which cannot be satisfactorily alleviated or resolved by  
5 or under the authority of State regulatory authorities having  
6 jurisdiction over such energy resources, thereby jeopardizing  
7 the health, safety, welfare and economic well-being of the  
8 inhabitants of this Commonwealth.

9 "Energy resource" means any force or material which yields or  
10 has the potential to yield energy, including, but not limited  
11 to, electrical, fossil and nuclear sources.

12 "Person" means a natural person, corporation, partnership,  
13 association, and any municipality of this Commonwealth and any  
14 public corporation, authority or body whatsoever.

15 "Petroleum product" includes motor gasoline, kerosene,  
16 distillates (including Number 2 fuel oil) and diesel fuel.

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

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

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

26 (3) activities to promote or remove obstacles to the  
27 utilization and transportation of Pennsylvania energy resources,  
28 including but not limited to limited scale synthetic fuel  
29 facilities and the conversion or technological improvement of  
30 industrial, commercial or agricultural systems to utilize

1 Pennsylvania coal or renewable energy resources: Provided, That  
2 no such facility unreasonably interferes with private waste  
3 recycling industries[.];

4 (4) activities to promote and develop projects, on a local  
5 or regional basis, for the cogeneration of power through the  
6 utilization of solid waste; or

7 (5) activities which seek to reduce pollution and are  
8 associated with energy development, production or distribution.

9 "Renewable energy source" means any method, process or  
10 substance whose supply is rejuvenated through natural processes  
11 and, subject to those material processes, remains relatively  
12 constant, including, but not limited to, biomass conversion,  
13 geothermal energy, solar and wind energy and hydroelectric  
14 power, and excluding those sources of energy used in the fission  
15 and fusion processes.

16 Section 2802-C. [Emergency Petroleum Product Shortages.--(a)  
17 The Governor may, by executive order, proclaim a state of  
18 emergency based upon a finding that there impends or exists a  
19 substantial shortage of petroleum products available for use in  
20 Pennsylvania which poses a serious threat to health, safety or  
21 welfare of the public.] Energy or Fuel Supply Emergency.--(a)  
22 In the event that the threat or danger of an energy or fuel  
23 supply emergency is imminent, the Governor may, after  
24 consultation with the Lieutenant Governor, the Department of  
25 Energy, the Pennsylvania Public Utility Commission and the  
26 Department of Environmental Resources, declare a state of energy  
27 or fuel supply emergency. A state of energy or fuel supply  
28 emergency shall remain in effect for the maximum period of  
29 ninety days [and may be extended], but may be terminated or  
30 extended by the Governor unless the termination or extension is

1 disapproved by concurrent resolution adopted by both Houses of  
2 the General Assembly. A state of emergency may be declared for  
3 all or any portion of the Commonwealth.

4 (b) [Upon proclamation of a state of emergency, the Governor  
5 shall designate a State agency to conduct emergency allocation  
6 measures during the period of the declared emergency. Emergency  
7 allocation measures may consist of:

8 (1) the administration of any emergency allocation powers  
9 delegated to the State by the President or any Federal agency;

10 (2) the implementation of a set aside program, for not more  
11 than one percent (1%) of the petroleum products available for  
12 use in Pennsylvania, to alleviate hardship or meet emergency  
13 needs. A set aside program shall be established in conformity  
14 with any Federal law, regulations or executive orders governing  
15 petroleum allocation, and shall apply only to petroleum products  
16 found to be in a substantial shortage;

17 (3) measures to reduce the demand for or consumption of  
18 gasoline; and

19 (4) other measures identified by the Governor in his  
20 executive order proclaiming a state of emergency as necessary to  
21 protect the public health, safety and welfare.

22 (c) The agency designated by the Governor to conduct  
23 emergency measures may, during the period of the emergency,  
24 adopt rules and regulations pursuant to section 204 of the act  
25 of July 31, 1968 (P.L.769, No.240), referred to as the  
26 Commonwealth Documents Law. Any regulation adopted during a  
27 state of emergency shall be automatically rescinded upon the  
28 expiration of the emergency.

29 (d) The Governor may designate a state agency to monitor  
30 supplies of petroleum products available for use in the

1 Commonwealth to determine whether there exists, or is likely to  
2 exist, an emergency shortage.

3 (1) In order to monitor supplies of petroleum products, the  
4 agency may require recordkeeping and periodic reports from  
5 petroleum suppliers. These reporting and recordkeeping  
6 requirements shall, to the maximum extent possible, employ  
7 Federally mandated reports and records, avoid any unnecessary  
8 duplicative reporting or recordkeeping, and minimize paperwork,  
9 recordkeeping and reporting requirements.

10 (2) Reports filed and records maintained pursuant to this  
11 subsection shall be deemed confidential.

12 (3) When a petroleum supplier or a company providing  
13 information to a petroleum supplier claims that the information  
14 requested by the agency is confidential, proprietary, market or  
15 trade secret information, or when the information is deemed  
16 confidential pursuant to this section, the agency shall not  
17 disclose such information publicly or to any other governmental  
18 agency unless the information is aggregated as part of a  
19 statistical report in which the data and individual companies  
20 supplying the data cannot be identified.

21 (4) No employe or appointee of the agency or other person  
22 may release information from a petroleum product company that  
23 would enable data provided by or relating to individual  
24 customers of the petroleum company to be identified as relating  
25 to or coming from the individual customer. Any person disclosing  
26 such information in violation of this section shall be guilty of  
27 a misdemeanor, shall be subject to disciplinary action,  
28 including reprimand, suspension or termination, and may be  
29 ordered to make restitution to any injured or aggrieved party  
30 for losses or damages shown.

1 (5) In order to obtain information required pursuant to this  
2 subsection, the agency designated by the Governor to monitor  
3 supplies of petroleum products may receive or share information  
4 from any other Commonwealth, Federal or local agency: Provided,  
5 That the agency shall provide the same confidentiality to  
6 information recovered as is provided by the supplying agency.]  
7 Upon proclamation of a state of emergency, the Governor shall  
8 have the power:

9 (1) To direct the Department of Energy to conduct emergency  
10 petroleum allocation measures which may consist of any of the  
11 following:

12 (i) The administration of any emergency petroleum allocation  
13 powers delegated to the State by the President or any Federal  
14 agency.

15 (ii) The implementation of a set-aside program, for not more  
16 than one per centum (1%) of the petroleum products available for  
17 use in Pennsylvania, to alleviate hardship or meet emergency  
18 needs. A set-aside program shall be established in conformity  
19 with any Federal law, regulations or executive orders governing  
20 petroleum allocation, and shall apply only to petroleum products  
21 found to be in a substantial shortage.

22 (iii) Measures to reduce the demand for or consumption of  
23 petroleum products.

24 (iv) The adoption of rules and regulations in the manner  
25 provided by law. Any regulation adopted during a state of  
26 emergency shall be automatically rescinded upon the expiration  
27 of the emergency.

28 (v) Any other measures deemed necessary to protect the  
29 public health, safety and welfare.

30 (2) To encourage increased use of renewable energy sources.

1     (3) To suspend or modify existing state standards and  
2 requirements affecting or affected by the use of energy  
3 resources, including those related to air quality control.

4     (4) To order specific restrictions on the use and sale of  
5 energy resources, including, but not limited to:

6     (i) Restrictions on the interior temperature of public,  
7 commercial, industrial and school buildings.

8     (ii) Restrictions on the hours and days during which public,  
9 commercial, industrial and school buildings may be open.

10    (iii) Restrictions on lighting levels in public, commercial,  
11 industrial and school buildings.

12    (iv) Restrictions on the use of display and decorative  
13 lighting.

14    (v) Restrictions on the use of privately owned vehicles or a  
15 reduction in speed limits.

16    (vi) Restrictions on the use of public transportation,  
17 including directions to close a public transportation facility.

18    (vii) Restrictions on the use of pupil transportation  
19 programs operated by public schools.

20    (viii) Reduction in the number of elevators operating in  
21 office buildings during nonpeak hours.

22    (ix) Curtailment of nighttime sports, entertainment and  
23 recreational activities.

24    (x) Closing of public museums, art galleries and historic  
25 buildings.

26    (xi) Requiring Sunday closings of retail establishments,  
27 except for those retail establishments that provide goods or  
28 services essential to the public welfare.

29    (xii) Reduction in the number of hours during which retail  
30 establishments may be open for business, except for those retail

1 establishments which provide goods or services essential to the  
2 public welfare. Any retail establishment subject to this  
3 subclause shall be permitted to set its specific hours of  
4 operation, provided the total number of hours does not exceed  
5 the maximum number of hours authorized pursuant to this  
6 subclause.

7 (c) Any restrictions ordered by the Governor shall be  
8 automatically rescinded upon the expiration of the emergency.

9 (d) Any actions taken by the Governor pursuant to this  
10 section, insofar as they may apply to a regulated utility, shall  
11 not conflict with or supersede regulations or orders of the  
12 Pennsylvania Public Utility Commission or curtailment procedures  
13 on file with the Pennsylvania Public Utility Commission, nor  
14 shall any restrictions on the use of fuel for the generation of  
15 energy or on the transportation of fuel for the generation of  
16 energy be imposed prior to consultation with the Pennsylvania  
17 Public Utility Commission.

18 (e) An executive order, proclamation or directive issued  
19 under this section shall be disseminated promptly by means  
20 calculated to bring its contents to the attention of the  
21 citizens of this Commonwealth and published in accordance with  
22 the law. The Governor shall notify the General Assembly promptly  
23 of an executive order, proclamation or directive issued under  
24 this article.

25 (f) Any person who knowingly violates any order,  
26 proclamation or directive issued by the Governor under this  
27 section commits a misdemeanor of the third degree and shall,  
28 upon conviction, be sentenced to pay a fine of not more than  
29 \$500. Each day of a continuing violation shall be a separate  
30 offense.

1     (g) Nothing in this article shall limit the authority of the  
2 Pennsylvania Public Utility Commission to regulate public  
3 utility service as provided in Title 66 of the Pennsylvania  
4 Consolidated Statutes (relating to public utilities).

5     Section 8. The act is amended by adding a section to read:

6     Section 2802.1-C. Coordination of Monitoring of Supplies of  
7 Energy Resources.--(a) The Department of Energy shall  
8 coordinate the monitoring of supplies of energy resources  
9 available for use in this Commonwealth to determine whether  
10 there exists, or is likely to exist, an emergency shortage.

11     (b) In order to coordinate the monitoring of energy  
12 resources, the Department of Energy may require recordkeeping  
13 and periodic reports from energy resource suppliers. These  
14 reporting and recordkeeping requirements shall, to the maximum  
15 extent possible, employ mandated reports and records of other  
16 Commonwealth, Federal or local agencies, avoid any unnecessary  
17 duplicative reporting or recordkeeping, and minimize paperwork,  
18 recordkeeping and reporting requirements.

19     (c) Any agency that provides or receives reports or records  
20 under this act, any other act, any rule or regulation or any  
21 executive order or similar directive for the purpose of  
22 monitoring or coordinating the monitoring of supplies of energy  
23 resources shall keep such records or reports confidential unless  
24 the reports or records are deemed to be public information  
25 pursuant to the act, rule or regulation, executive order or  
26 directive under which they are provided.

27     (d) When an energy resource supplier or a company providing  
28 information to an energy resource supplier claims that the  
29 information requested by the agency is confidential,  
30 proprietary, market or trade secret information, or when the



1 information is deemed confidential pursuant to this section, the  
2 agency shall not disclose such information publicly or to any  
3 other governmental agency unless the information is aggregated  
4 as part of a statistical report in which the data and individual  
5 companies supplying the data cannot be identified.

6 (e) No employe or appointee of the agency or other person  
7 may release information from an energy resource company that  
8 would enable data provided by or relating to individual  
9 customers of the energy resource company to be identified as  
10 relating to or coming from the individual customer. Any person  
11 disclosing such information in violation of this section shall  
12 be guilty of a misdemeanor of the third degree, shall be subject  
13 to disciplinary action, including reprimand, suspension or  
14 termination, and may be ordered to make restitution to any  
15 injured or aggrieved party for losses or damages shown.

16 (f) In order to obtain information required pursuant to this  
17 section, the Department of Energy may receive or share  
18 information from any other Commonwealth, Federal or local  
19 agency: Provided, however, That the Department of Energy shall  
20 provide the same confidentiality to information received as is  
21 provided by the supplying agency.

22 Section 9. Section 2803-C of the act, amended or added  
23 December 14, 1982 (P.L.1213, No.280) and July 11, 1985 (P.L.211,  
24 No.55), is amended to read:

25 Section 2803-C. Energy Development Authority.--(a) There is  
26 hereby established within the Department of Energy the Energy  
27 Development Authority.

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

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

15       (2) The Secretary of Energy or his designee.

16       [(2)] (3) The Secretary of Environmental Resources or his  
17 designee.

18       [(3)] (4) The Secretary of Banking or his designee.

19       [(4)] (5) The Secretary of Commerce or his designee.

20       [(5)] (6) The Secretary of Agriculture or his designee.

21       [(6)] (7) Two members of the Senate, one from the majority  
22 party and one from the minority party, to be appointed by the  
23 President pro tempore to serve at his pleasure, or the designees  
24 appointed by such members.

25       [(7)] (8) Two members of the House of Representatives, one  
26 from the majority party and one from the minority party, to be  
27 appointed by the Speaker of the House to serve at his pleasure,  
28 or the designees appointed by such members.

29       [(8)] (9) The Consumer Advocate or his designee.

30       [(9)] (10) The Chairman of the Public Utility Commission or

1 his designee.

2 (11) The Chairman of the Energy Research and Development  
3 Advisory Board.

4 (c) The members of the board of directors shall be entitled  
5 to no compensation for their services as members but shall be  
6 entitled to reimbursement for all necessary expenses incurred in  
7 connection with the performance of their duties as members.

8 (d) The board of directors shall provide for the holding of  
9 regular and special meetings. Ten directors attending shall  
10 constitute a quorum for the transaction of any business and at  
11 least six votes shall be required to adopt any action, except  
12 that at least nine votes shall be required to approve financial  
13 assistance for any project.

14 Section 10. Section 2804-C(a) of the act, added December 14,  
15 1982 (P.L.1213, No.280), is amended to read:

16 Section 2804-C. Technical and Financial Support.--(a) The  
17 [Governor shall designate a State agency to] Department of  
18 Energy shall provide staff services to the authority for its  
19 administration of the act, including technical services to  
20 assist the authority in carrying out the provisions of this  
21 article.

22 \* \* \*

23 Section 11. Section 2807-C(a) of the act, amended July 20,  
24 1983 (P.L.52, No.26), is amended to read:

25 Section 2807-C. Authority Indebtedness.--(a) The authority  
26 shall have the power and hereby is authorized from time to time,  
27 by resolution of the authority and subject to the written  
28 approval of the Governor, to issue its negotiable bonds in such  
29 principal amount as, in the opinion of the authority, shall be  
30 necessary to provide sufficient funds for any of its corporate

1 purposes, the establishment of reserves to secure such bonds and  
2 all other expenditures of the authority incident to and  
3 necessary or convenient to carry out its corporate purposes and  
4 powers. The authority may issue its bonds to provide financial  
5 assistance for projects only after the authority has first  
6 identified and approved such projects. The aggregate principal  
7 amount of bonds and notes of the authority shall not exceed  
8 [\$200,000,000] \$400,000,000 outstanding at any one time.

9 \* \* \*

10 Section 12. All personnel, allocations, appropriations,  
11 equipment, files, records, contracts, agreements, obligations  
12 and other material which are used, employed or expended in  
13 connection with the powers, duties or functions of the  
14 Pennsylvania Energy Office are hereby transferred to the  
15 Department of Energy established by this act with the same force  
16 and effect as if the appropriations had been made to and said  
17 items had been the property of the Department of Energy in the  
18 first instance, and as if said contracts, agreements and  
19 obligations had been incurred or entered into by the Department  
20 of Energy. The personnel, appropriations, equipment and other  
21 items and material transferred by this section shall include  
22 Federal grants and funds and other benefits from any Federal  
23 program. All personnel transferred pursuant to this act shall  
24 retain any civil service employment status assigned to the  
25 personnel.

26 Section 13. In addition to the retention of civil service  
27 employment status by employees transferred to the Department of  
28 Energy, all new positions in the Department of Energy shall be  
29 deemed to be included in the list of positions set forth in  
30 section 3(d) of the act of August 5, 1941 (P.L.752, No.286),

1 known as the Civil Service Act, and the provisions and benefits  
2 of that act shall be applicable to all employees of the  
3 Department of Energy.

4 Section 14. (a) Nothing set forth in this act shall  
5 supersede any curtailment plans which are established and  
6 approved by any Federal regulatory commission, the Pennsylvania  
7 Public Utility Commission or any ordinance duly adopted by any  
8 municipality or public gas system.

9 (b) All orders, permits, regulations, decisions and other  
10 actions of the Pennsylvania Energy Office or any department,  
11 board, commission or agency whose functions have been  
12 transferred by this act to the Department of Energy shall remain  
13 in full force and effect until modified, repealed, superseded or  
14 otherwise changed by appropriate action of the Department of  
15 Energy.

16 (c) The Department of Energy shall not have any authority to  
17 take any action affecting the jurisdiction of the Pennsylvania  
18 Public Utility Commission or any Federal administrative or  
19 regulatory agency. The Secretary of Energy, or his designee,  
20 however, shall have the authority to appear before the  
21 Pennsylvania Public Utility Commission or any Federal  
22 administrative or regulatory agency to provide information  
23 concerning State energy policies.

24 Section 15. All acts and parts of acts are repealed insofar  
25 as they are inconsistent with this act.

26 Section 16. This act shall take effect in 180 days.