

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1236 Session of
2001

INTRODUCED BY ARGALL, ALLEN, DeWEESE, BELFANTI, CALTAGIRONE,
M. COHEN, DALEY, DeLUCA, EACHUS, FEESE, GEIST, GEORGE,
HALUSKA, HORSEY, LUCYK, McCALL, R. MILLER, MYERS, PETRARCA,
PIPPY, SHANER, SOLOBAY, STABACK, STEELMAN, TIGUE, WATSON,
YOUNGBLOOD AND YUDICHAK, MARCH 29, 2001

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 29, 2001

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 employees 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 employees of certain departments, boards and
20 commissions shall be determined," further providing for State
21 heating systems to be fueled by coal.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 2420 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added April 9, 1990 (P.L.115, No.28), is amended to read:

1 Section 2420. State Heating Systems to be Fueled by Coal.--

2 (a) The following words and phrases when used in this article
3 shall have, unless the context clearly indicates otherwise, the
4 meanings given to them in this section:

5 "Coal." Coal produced from mines in Pennsylvania or any
6 mixture or synthetic derived, in whole or in part, from coal
7 produced from mines in Pennsylvania.

8 "Mixture derived, in whole or in part, from coal." Includes,
9 but is not limited to, both the intermittent and the
10 simultaneous burning of natural gas with coal or a coal
11 derivative if the intermittent or simultaneous burning of
12 natural gas would:

13 (1) lower the cost of using coal or a coal derivative
14 produced from mines in Pennsylvania; or

15 (2) enable coal or a coal derivative produced from mines in
16 Pennsylvania to be burned in compliance with present and
17 reasonably anticipated environmental laws and regulations.

18 (b) Any heating system or heating unit installed in a
19 facility owned by the State on or after the effective date of
20 this section shall be fueled by coal.

21 (b.1) Any State facility or agency that seeks to perform a
22 study or take any action that may result in the conversion of
23 its coal fired heating system to use a fuel other than coal
24 shall publish its intention in the Pennsylvania Bulletin and
25 shall report its intention to do so to the Department of General
26 Services within 90 days prior to beginning the study.

27 (b.2) Any report, finding or recommendations to the State
28 facility or agency as a result of the study shall be reported
29 immediately to the Secretary of General Services and the
30 Appropriations Committees of the Senate and the House of

1 Representatives.

2 (c) Any heating system or heating unit shall be exempt from
3 the requirement of subsection (b) if the Secretary of General
4 Services determines that:

5 (1) using coal as the fuel for that heating system or
6 heating unit would violate existing or reasonably anticipated
7 environmental laws or regulations;

8 (2) using coal as the fuel for that heating system or
9 heating unit would not be cost effective when compared to using
10 other forms of energy;

11 (3) using electricity generated primarily from the
12 combustion of coal would be more cost effective when compared to
13 using coal as the fuel for that heating system or heating unit;

14 (4) the principal fuel for that heating system or heating
15 unit would be natural gas from wells located in Pennsylvania or
16 wood from forests located in Pennsylvania, if such fuel were at
17 least as cost effective as using coal as the fuel; or

18 (5) that heating system or heating unit was in or beyond the
19 design stage prior to the effective date of this act.

20 (d) In determining cost-effectiveness under clauses (2), (3)
21 and (4) of subsection (c), the Secretary of General Services
22 shall perform a life cycle cost analysis.

23 (d.1) At any State facility that exists on or is constructed
24 after the effective date of this subsection and where proposals
25 are solicited for coal to be supplied from remining or
26 reclamation projects, any bid that offers a coal heating system
27 shall be granted a bid preference equal to twenty-five per
28 centum (25%) of the total cost of the system against any other
29 bid that does not offer to fuel the system with coal.

30 (e) The Secretary of General Services shall report to the

1 Appropriations Committees of the House of Representatives and
2 the Senate the basis for any determination that a heating system
3 or heating unit shall be exempt from the requirement of
4 subsection (b).

5 Section 2. This act shall take effect in 60 days.