

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1200 Session of
2007

INTRODUCED BY DePASQUALE, DALEY, GEORGE, GERBER, HORNAMAN, BELFANTI, BENNINGTON, BIANCUCCI, BLACKWELL, CALTAGIRONE, CARROLL, COHEN, CONKLIN, COSTA, CURRY, DERMODY, DeWEESE, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GERGELY, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HANNA, HARHAI, HARKINS, JAMES, JOSEPHS, W. KELLER, KESSLER, KING, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, LEVDANSKY, MAHONEY, MANDERINO, MARKOSEK, McCALL, McGEEHAN, MELIO, MUNDY, M. O'BRIEN, PASHINSKI, PAYTON, PRESTON, RAMALEY, ROEBUCK, SABATINA, SANTONI, SEIP, SHAPIRO, SHIMKUS, K. SMITH, M. SMITH, STABACK, STURLA, SURRA, TANGRETTI, THOMAS, VITALI, WAGNER, WALKO, WANSACZ, WILLIAMS, YEWIC, YUDICHAK AND PETRONE, MAY 23, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 19, 2007

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," further providing for the
21 powers of the Pennsylvania Energy Development Authority AND
22 FOR AUTHORITY INDEBTEDNESS. <—

23 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definition of "project" in section 2801-C of
3 the act of April 9, 1929 (P.L.177, No.175), known as The
4 Administrative Code of 1929, added December 14, 1982 (P.L.1213,
5 No.280), is amended to read:

6 Section 2801-C. Definitions.--The following words and
7 phrases when used in this article shall have the meanings given
8 to them in this section unless the context clearly indicates
9 otherwise:

10 * * *

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

14 (1) basic and applied research concerning energy use,
15 renewable energy resources and energy extraction, transmission,
16 storage or conversion;

17 (2) limited scale demonstration of innovative or
18 commercially unproven technology to promote the production, use
19 or conservation of energy; [or]

20 (3) activities to promote or remove obstacles to the
21 utilization and transportation of Pennsylvania energy resources,
22 including but not limited to limited scale synthetic fuel
23 facilities and the conversion or technological improvement of
24 industrial, commercial or agricultural systems to utilize
25 Pennsylvania coal or renewable energy resources: Provided, That
26 no such facility unreasonably interferes with private waste
27 recycling industries[.]; ~~or~~

28 (4) activities designed to further the development or
29 deployment of alternative energy sources, including those
30 defined in the act of November 30, 2004 (P.L.1672, No.213),

<—

1 known as the "Alternative Energy Portfolio Standards Act";
2 alternative fuels, including those defined in the act of
3 November 29, 2004 (P.L.1376, No.178), known as the "Alternative
4 Fuels Incentive Act"; energy efficiency technology and energy
5 conservation measures; OR <—

6 (5) ACTIVITIES DESIGNED TO IMPROVE THE ENERGY EFFICIENCY OF
7 LARGE-SCALE INDUSTRIAL PRODUCTION FACILITIES.

8 Section 2. Section ~~2806-C(14)~~ 2806-C(2) AND (14) of the act, <—
9 added December 14, 1982 (P.L.1213, No.280), ~~is~~ ARE amended and <—
10 the section is amended by adding paragraphs to read:

11 Section 2806-C. Powers and Duties.--The authority, as a
12 public corporation and governmental instrumentality exercising
13 public powers of the Commonwealth, is hereby granted and shall
14 have and may exercise all powers necessary or appropriate to
15 carry out and effectuate the purposes of this article, including
16 the following powers, in addition to others herein granted:

17 * * *

18 (2) TO HAVE EXISTENCE [FOR A TERM OF FIFTY YEARS, OR] UNTIL <—
19 ITS EXISTENCE SHALL BE TERMINATED BY LAW.

20 * * *

21 (14) To make grants to fund [research] projects.

22 * * *

23 ~~(19) To acquire and sell alternative energy credits as~~ <—
24 ~~defined in the act of November 30, 2004 (P.L.1672, No.213),~~
25 ~~known as the "Alternative Energy Portfolio Standards Act."~~

26 (19) TO PROMOTE AND FACILITATE THE SALE THROUGH THIS <—
27 COMMONWEALTH OF ALTERNATIVE ENERGY CREDITS AS DEFINED IN THE ACT
28 OF NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN AS THE
29 "ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT." THIS PARAGRAPH
30 SHALL NOT BE CONSTRUED AS CONFERRING ON THE COMMONWEALTH THE

1 AUTHORITY TO PURCHASE, ACQUIRE OR SELL ALTERNATIVE ENERGY
2 CREDITS.

3 (20) To establish rebate and incentive programs to help to
4 defray the costs to persons associated with the purchase,
5 manufacture or distribution of products which are used to
6 generate alternative energy or which employ energy-efficient
7 technology.

8 ~~(21) To acquire, through purchase or otherwise, hold, sell,~~ <—
9 ~~transfer and redistribute electric power, natural gas, liquid~~
10 ~~fuel, transportation fuel and any other energy commodity.~~

11 ~~(22) (21) To enter into agreements with State departments,~~ <—
12 ~~authorities, boards and commissions~~ THE DEPARTMENT OF COMMUNITY <—
13 AND ECONOMIC DEVELOPMENT, THE BEN FRANKLIN TECHNOLOGY
14 DEVELOPMENT AUTHORITY AND THE REDEVELOPMENT CAPITAL ASSISTANCE
15 PROGRAM to provide for the transfer of funds from the Energy
16 Development Fund or other funds under the control of the
17 authority, to be used for energy-related activities, including
18 the following:

19 (i) Supporting early-stage activities, including incubator
20 support services, management support, translational research
21 activities and early stage capital.

22 (ii) Providing loans to venture capital partnerships.

23 (iii) Providing grants and loans for working capital,
24 equipment acquisition, construction and site preparation.

25 Section 3. Section 2807-C(a) of the act, amended AND (C) OF <—
26 THE ACT, AMENDED OR ADDED DECEMBER 14, 1982 (P.L.1213, NO.280)
27 AND December 15, 1988 (P.L.1239, No.152), is ARE amended to <—
28 read:

29 Section 2807-C. Authority Indebtedness.--(a) The authority
30 shall have the power and hereby is authorized from time to time,

1 by resolution of the authority and subject to the written
2 approval of the Governor, to issue its negotiable bonds in such
3 principal amount as, in the opinion of the authority, shall be
4 necessary to provide sufficient funds for any of its corporate
5 purposes, the establishment of reserves to secure such bonds and
6 all other expenditures of the authority incident to and
7 necessary or convenient to carry out its corporate purposes and
8 powers. [The authority may issue its bonds to provide financial <—
9 assistance for projects only after the authority has first
10 identified and approved such projects. †The aggregate principal <—
11 amount of bonds and notes of the authority shall not exceed
12 \$300,000,000 outstanding at any one time.]

13 * * *

14 (C) NEITHER THE MEMBERS OF THE BOARD OF THE AUTHORITY NOR <—
15 ANY PERSON EXECUTING THE [NOTES] BONDS SHALL BE LIABLE
16 PERSONALLY ON THE [NOTES] BONDS OR BE SUBJECT TO ANY PERSONAL
17 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

18 * * *

19 Section 4. This act shall take effect immediately.