

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 266** Session of  
2007

INTRODUCED BY ERICKSON, BOSCOLA, C. WILLIAMS, RAFFERTY,  
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KITCHEN, TOMLINSON, DINNIMAN, PILEGGI, A. WILLIAMS AND  
HUGHES, MARCH 8, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
NOVEMBER 14, 2007

## AN ACT

1 Providing for a report on potential climate change impacts and  
2 economic opportunities for this Commonwealth, for duties of  
3 the Department of Environmental Protection, for an inventory  
4 of greenhouse gases, for establishment of Climate Change  
5 Advisory Committee, for a voluntary registry of greenhouse  
6 gas emissions and for a climate change action plan.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pennsylvania  
11 Climate Change Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Baseline." A level of greenhouse gas emissions against  
17 which future emissions are measured.

18 "Carbon sequestration." The long-term storage of carbon or

1 carbon dioxide in forests, forest products, soils, oceans or  
2 underground in depleted oil and gas reservoirs, coal seams and  
3 saline aquifers.

4 "Climate change." Any alteration of the earth's climate due,  
5 at least in part, to emissions of greenhouse gases associated  
6 with human activities, including, but not limited to, the  
7 burning of fossil fuels, biomass burning, cement manufacture,  
8 agriculture, deforestation and other land-use changes.

9 "Cobenefits." The economic, social, environmental, public  
10 health and other benefits of climate change policies that are  
11 independent of any benefits for reducing or mitigating climate  
12 change.

13 "Committee." The Climate Change Advisory Committee  
14 established in section 5.

15 "Department." The Department of Environmental Protection of  
16 the Commonwealth.

17 "Greenhouse gases" or "GHGs." Gases in the earth's  
18 atmosphere that absorb and reemit infrared radiation, including  
19 carbon dioxide, nitrous oxide, methane, hydrofluorocarbons,  
20 perfluorocarbons and ~~chlorofluorocarbons~~ SULFUR HEXAFLUORIDE. ←

21 "Secretary." The Secretary of Environmental Protection of  
22 the Commonwealth.

23 Section 3. Report on potential climate change impact and  
24 economic opportunities for this Commonwealth.

25 (a) Report required.--The department shall prepare and  
26 publish a report on the potential impact of climate change in  
27 this Commonwealth. The report shall identify the following:

28 (1) Scientific predictions regarding changes in  
29 temperature and precipitation patterns and amounts in this  
30 Commonwealth that could result from climate change. Such

1 predictions shall reflect the diversity of views within the  
2 scientific community.

3 (2) The potential impact of climate change on human  
4 health, the economy and the management of economic risk,  
5 forests, wildlife, fisheries, recreation, agriculture and  
6 tourism in this Commonwealth and any significant  
7 uncertainties about the impact of climate change.

8 (3) Economic opportunities for this Commonwealth created  
9 by the potential need for alternative sources of energy,  
10 climate-related technologies, services and strategies; carbon  
11 sequestration technologies; capture and utilization of  
12 fugitive greenhouse gas emissions from any source and other  
13 mitigation strategies.

14 (b) Cooperation.--In preparing the report, the department  
15 shall consult with Federal and other state agencies, academic  
16 institutions and the committee. THE DEPARTMENT MAY ALSO EVALUATE <—  
17 THE RECOMMENDATIONS OF CLIMATE CHANGE ACTION PLANS PREPARED BY  
18 COUNTIES AND MUNICIPALITIES WITHIN THIS COMMONWEALTH. The report  
19 shall reflect any diversity of opinion among the entities  
20 consulted by the department.

21 (c) Deadline.--This report shall be completed, published and  
22 distributed to the General Assembly and made available to the  
23 public in printed form and on the ~~Internet~~ DEPARTMENT'S INTERNET <—  
24 WEBSITE within nine months of the effective date of this act and  
25 shall be revised every three years thereafter.

26 Section 4. Greenhouse gases inventory.

27 (a) Inventory required.--In consultation with the committee,  
28 the department shall annually compile an inventory of GHGs  
29 emitted in this Commonwealth by all sources. This inventory  
30 shall establish GHG emission trends and the relative

1 contribution of major sectors, including, but not limited to,  
2 the transportation, electricity generation, industrial,  
3 commercial, mineral and natural resources, production of  
4 alternative fuel, agricultural and domestic sectors.

5 (b) Baseline.--The department shall establish a baseline of  
6 GHG emissions that it shall use to project future GHG emissions  
7 in this Commonwealth in the absence of government intervention.

8 (c) Coordination with action plan.--The inventory and  
9 baseline shall be presented to the Governor, the General  
10 Assembly and the committee every three years as part of the GHG <—  
11 ~~plan of action~~ CLIMATE CHANGE ACTION PLAN required under section <—  
12 7.

13 Section 5. Climate Change Advisory Committee.

14 (a) Establishment.--There is established within the  
15 department the Climate Change Advisory Committee. The purpose of  
16 the committee shall be to advise the department regarding the  
17 implementation of the provisions of this act.

18 (b) Membership.--

19 (1) The committee shall be composed of residents of this  
20 Commonwealth selected as set forth in this subsection.

21 Members shall be appointed on account of their interest,  
22 knowledge or expertise regarding climate change issues.

23 Members shall be selected to reflect a diversity of  
24 viewpoints on climate change issues from the scientific,  
25 business and industry, transportation, environmental, social,  
26 outdoor and sporting, labor and other affected communities.

27 (2) Eighteen members shall be appointed as follows:

28 (i) Six members appointed by the Governor.

29 (ii) Six members appointed by the Senate. Of these  
30 members, the Majority Leader of the Senate shall appoint

1 four members and the Minority Leader of the Senate shall  
2 appoint two members.

3 (iii) Six members appointed by the House of  
4 Representatives. Of these members, the Majority Leader of  
5 the House of Representatives shall appoint four members  
6 and the Minority Leader of the House of Representatives  
7 shall appoint two members.

8 (3) The Secretary of Conservation and Natural Resources,  
9 the Secretary of Community and Economic Development and the  
10 Chair of the Pennsylvania Public Utility Commission, or their  
11 designees, shall be ex officio voting members of the  
12 committee.

13 (c) Appointment.--Members of the committee shall be  
14 appointed within 30 days of the effective date of this act.

15 (d) Terms of service.--A member shall be appointed for a  
16 term of four years. Of the initial members appointed by the  
17 Governor, three members shall serve initial terms of two years.  
18 Of the initial members appointed by the Majority Leader of the  
19 Senate, two members shall serve initial terms of two years. Of  
20 the initial members appointed by the Majority Leader of the  
21 House of Representatives, two members shall serve initial terms  
22 of two years. Of the initial members appointed by the Minority  
23 Leader of the Senate, one member shall serve an initial term of  
24 two years. Of the initial members appointed by the Minority  
25 Leader of the House of Representatives, one member shall serve  
26 an initial term of two years. After such initial terms, all  
27 appointments shall serve for a term of four years.

28 (e) Chairperson.--The chairperson of the committee shall be  
29 elected from among and by a majority vote of the members  
30 appointed under subsection (b)(2). The term of a chairperson

1 shall be for two years and an individual may serve no more than  
2 two consecutive terms as chairperson.

3 (f) Meetings.--Within 60 days of the effective date of this  
4 act, the department shall call the first meeting of the  
5 committee and shall establish a schedule for regular meetings of  
6 the committee to assist in the implementation of this act.

7 (g) Expenses.--Members of the committee shall serve without  
8 compensation but may be reimbursed from funds appropriated for  
9 such purposes for necessary and reasonable travel and other  
10 expenses incurred during the performance of their duties.

11 (h) Facilitator.--The department shall retain the services  
12 of a third-party facilitator to conduct the activities of the  
13 committee.

14 (i) Department responsibilities.--The department shall  
15 create and maintain an Internet website listing the membership,  
16 activities, meeting schedule, meeting agenda, expense  
17 reimbursements and other relevant information regarding the  
18 committee.

19 Section 6. Voluntary greenhouse gas registry.

20 Within 90 days of the effective date of this act, the  
21 department shall create a voluntary greenhouse gas registry  
22 through which interested businesses, governments, institutions  
23 and other entities can record any reductions in greenhouse gas  
24 emissions or any avoided emissions of greenhouse gas emissions  
25 that are achieved in the absence of any government mandate to  
26 reduce such emissions. The department shall develop guidelines  
27 and criteria for the operation of the registry and shall create  
28 a site on the department's publicly accessible Internet website  
29 for the public to examine a current list of registrants and  
30 emission reductions and avoidances.

1 Section 7. Climate change action plan.

2 (a) Action plan required.--Within 15 months from the  
3 effective date of this act and every three years thereafter, the  
4 department shall, in consultation with the committee, submit to  
5 the Governor a climate change action plan that:

6 (1) Identifies GHG emission and sequestration trends and  
7 baselines in this Commonwealth.

8 (2) Evaluates cost-effective strategies for reducing or  
9 offsetting GHG emissions from various sectors in this  
10 Commonwealth.

11 (3) Identifies costs, benefits and cobenefits of GHG  
12 reduction strategies recommended by the ~~GHG CLIMATE CHANGE~~ <—  
13 action plan, including the impact on the capability of  
14 meeting future energy demand within this Commonwealth.

15 (4) Identifies areas of agreement and disagreement among  
16 committee members about the ~~GHG CLIMATE CHANGE~~ action plan. <—

17 (5) Recommends to the General Assembly legislative  
18 changes necessary to implement the ~~GHG CLIMATE CHANGE~~ action <—  
19 plan.

20 (b) Publication.--The ~~GHG CLIMATE CHANGE~~ action plan shall <—  
21 be published and distributed to the General Assembly and made  
22 available to the public in printed form and on the DEPARTMENT'S <—  
23 Internet website upon submission of the plan to the Governor.

24 Section 8. Effect of Federal law.

25 (a) Duty of secretary to monitor Federal law.--The secretary  
26 shall monitor the enactment of laws by the Congress of the  
27 United States to determine whether any law has been so enacted  
28 that it establishes a program of GHG inventory, registry or  
29 reporting requirements that are as or more comprehensive than  
30 those set forth in this act.

1 (b) Publication in Pennsylvania Bulletin.--If the secretary  
2 determines that such a law is enacted, the secretary shall  
3 publish this determination in the Pennsylvania Bulletin. The  
4 notice shall include a statement that affected entities shall be  
5 in compliance with this act or any subsequent act which imposes  
6 GHG inventory, registry or reporting requirements by submitting  
7 the same information to the department as is required to be  
8 submitted under Federal law.

9 Section 9. Effective date.

10 This act shall take effect immediately.