

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 36

Special Session No. 1 of
2007-2008

INTRODUCED BY GEORGE, BELFANTI, BENNINGTON, BRENNAN, CASORIO,
DeLUCA, FABRIZIO, GOODMAN, GRUCELA, HARHAI, HORNAMAN,
JOSEPHS, KOTIK, KULA, LEVDANSKY, MARKOSEK, McGEEHAN,
McILHATTAN, McILVAINE SMITH, PETRONE, RUBLEY, SHIMKUS,
SIPTROTH, SOLOBAY, SURRA, THOMAS, WALKO, YOUNGBLOOD,
YUDICHAK, KING AND CALTAGIRONE, OCTOBER 25, 2007

SENATOR M. WHITE, ENERGY POLICIES, IN SENATE, AS AMENDED,
SEPTEMBER 16, 2008

AN ACT

1 Establishing the State Energy Office and ~~an advisory council~~ THE <—
2 ENERGY ADVISORY COMMITTEE; and imposing duties on the State
3 Energy Office.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the State Energy
8 Office Act.

9 Section 2. Definitions.

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

13 "Commission." The Pennsylvania Public Utility Commission.

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

1 "Office." The State Energy Office established under section
2 3.

3 "Secretary." The Secretary of Environmental Protection of
4 the Commonwealth.

5 Section 3. The State Energy Office.

6 The State Energy Office is established in the Department of
7 Environmental Protection to promote the goals of energy
8 development and energy conservation.

9 Section 4. Composition of office.

10 The secretary shall designate an executive director and hire
11 the staff of the office in accordance with procedures of the
12 department.

13 ~~Section 5. Advisory council.~~ <—

14 ~~An advisory council to the office is established. The~~
15 ~~Governor shall appoint persons to the council who shall be~~
16 ~~members of the General Assembly, the business and transportation~~
17 ~~community of this Commonwealth, public officials and the general~~
18 ~~public. The purpose of the council is to provide advice and~~
19 ~~assistance to the office on matters affecting the State's energy~~
20 ~~situation. The members shall be reimbursed for the expense of~~
21 ~~participating in council functions.~~

22 SECTION 5. ENERGY ADVISORY COMMITTEE. <—

23 (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE
24 DEPARTMENT THE ENERGY ADVISORY COMMITTEE. THE PURPOSE OF THE
25 COMMITTEE SHALL BE TO ADVISE THE DEPARTMENT REGARDING THE
26 IMPLEMENTATION OF THIS ACT.

27 (B) MEMBERSHIP.--

28 (1) THE COMMITTEE SHALL BE COMPOSED OF RESIDENTS OF THIS
29 COMMONWEALTH SELECTED AS SET FORTH IN THIS SUBSECTION.

30 MEMBERS SHALL BE APPOINTED ON ACCOUNT OF THEIR INTEREST,

1 KNOWLEDGE AND EXPERTISE REGARDING ENERGY ISSUES. MEMBERS
2 SHALL BE SELECTED TO REFLECT A DIVERSITY OF VIEWPOINTS ON
3 ENERGY ISSUES FROM THE ENERGY PRODUCTION, DISTRIBUTION AND
4 DEVELOPMENT COMMUNITY, AS WELL AS THE SCIENTIFIC, BUSINESS
5 AND INDUSTRY, TRANSPORTATION, ENVIRONMENTAL, LABOR AND OTHER
6 AFFECTED COMMUNITIES.

7 (2) EIGHTEEN MEMBERS SHALL BE APPOINTED AS FOLLOWS:

8 (I) SIX MEMBERS APPOINTED BY THE GOVERNOR.

9 (II) FOUR MEMBERS APPOINTED BY THE MAJORITY LEADER
10 OF THE SENATE AND TWO MEMBERS APPOINTED BY THE MINORITY
11 LEADER OF THE SENATE.

12 (III) FOUR MEMBERS APPOINTED BY THE MAJORITY LEADER
13 OF THE HOUSE OF REPRESENTATIVES AND TWO MEMBERS APPOINTED
14 BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

15 (C) APPOINTMENT.--MEMBERS OF THE COMMITTEE SHALL BE
16 APPOINTED WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT, AND
17 SHALL SERVE AT THE PLEASURE OF THEIR APPOINTING AUTHORITY.

18 (D) TERMS OF SERVICE.--A MEMBER SHALL BE APPOINTED FOR A
19 TERM OF FOUR YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE
20 GOVERNOR, THREE MEMBERS SHALL SERVE AN INITIAL TERM OF TWO
21 YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE MAJORITY LEADER
22 OF THE SENATE, TWO MEMBERS SHALL SERVE AN INITIAL TERM OF TWO
23 YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE MINORITY LEADER
24 OF THE SENATE, ONE MEMBER SHALL SERVE AN INITIAL TERM OF TWO
25 YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE MAJORITY LEADER
26 OF THE HOUSE OF REPRESENTATIVES, TWO MEMBERS SHALL SERVE AN
27 INITIAL TERM OF TWO YEARS. OF THE INITIAL MEMBERS APPOINTED BY
28 THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER
29 SHALL SERVE AN INITIAL TERM OF TWO YEARS. AFTER THE INITIAL
30 TERMS, ALL MEMBERS APPOINTED SHALL SERVE FOR A TERM OF FOUR

1 YEARS.

2 (E) CHAIRPERSON.--THE CHAIRPERSON OF THE COMMITTEE SHALL BE
3 ELECTED BY A MAJORITY VOTE OF THE MEMBERS. THE TERM OF A
4 CHAIRPERSON SHALL BE TWO YEARS, AND AN INDIVIDUAL MAY SERVE NO
5 MORE THAN TWO CONSECUTIVE TERMS AS CHAIRPERSON.

6 (F) MEETINGS.--WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS
7 ACT, THE DEPARTMENT SHALL CALL THE FIRST MEETING OF THE
8 COMMITTEE AND SHALL ESTABLISH A SCHEDULE FOR REGULAR MEETINGS OF
9 THE COMMITTEE TO ASSIST IN THE IMPLEMENTATION OF THIS ACT.

10 (G) EXPENSES.--MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT
11 COMPENSATION BUT MAY BE REIMBURSED FROM FUNDS APPROPRIATED FOR
12 SUCH PURPOSES FOR NECESSARY AND REASONABLE TRAVEL AND OTHER
13 EXPENSES INCURRED DURING THE PERFORMANCE OF THEIR DUTIES.

14 (H) 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. Powers and duties of office.

20 The powers and duties of the office are as follows:

21 (1) To promote the development of this Commonwealth's
22 indigenous and renewable energy resources through programs
23 involving information and technical and financial assistance.

24 (2) To assist the Department of General Services in
25 promoting the efficient use of energy by the State government
26 and all sectors of this Commonwealth. Working with the
27 Governor's Green Government Council, the office will
28 encourage energy efficiency and conservation through programs
29 providing information and technical and financial assistance.

30 The office will also work with the commission to develop

1 specific programs to promote energy efficiency for
2 commercial, industrial and residential consumers of
3 deregulated utilities, such as natural gas and electricity.

4 (3) To be the point of contact for private and
5 government energy matters and the lead Commonwealth agency
6 for energy policy development. The office will regularly
7 update the Commonwealth's energy policy to determine new
8 opportunities for energy development and energy conservation.

9 (4) To be the primary manager and coordinator of Federal
10 energy grants, petroleum overcharge funds and private energy
11 grants.

12 (5) To assist the Department of General Services in the
13 review of energy-related plans, programs, policies and
14 regulations of Commonwealth agencies and to provide
15 recommendations to further promote energy development and
16 energy conservation. The office is authorized to intervene in
17 energy-related proceedings of the commission and other
18 Federal or State regulatory agencies.

19 (6) To monitor prices of petroleum and supplies of
20 petroleum products available for use in this Commonwealth to
21 determine whether there exists or is likely to exist an
22 emergency shortage under section 2802-C(d) of the act of
23 April 9, 1929 (P.L.177, No.175), known as The Administrative
24 Code of 1929, and to conduct emergency allocation measures
25 during a period of declared emergency petroleum product
26 shortage under section 2802-C of The Administrative Code of
27 1929. The office will also monitor the price and supply of
28 energy to provide information to the Governor on the changing
29 impact of energy prices on the Commonwealth's economy.

30 (7) To assume the responsibilities assigned to the

1 Department of Environmental Protection under the act of June
2 28, 1995 (P.L.89, No.18), known as the Conservation and
3 Natural Resources Act, which had been assigned to the office
4 under prior statutes, regulations and executive orders,
5 including the administration of the funds transferred to the
6 department under section 507 of that act.

7 (8) To promote the establishment of a regional strategic
8 heating oil and diesel fuel reserve in the mid-Atlantic
9 states and other programs that ensure that energy shortages
10 or price surges do not harm the Commonwealth's economy.

11 (9) TO ASSUME AND IMPLEMENT THE RESPONSIBILITIES <—
12 ASSIGNED TO THE DEPARTMENT UNDER THE ACT OF JULY 9, 2008
13 (P.L.935, NO.70), KNOWN AS THE PENNSYLVANIA CLIMATE CHANGE
14 ACT, PROVIDED THAT THE OFFICE, THE DEPARTMENT AND THE
15 ENVIRONMENTAL QUALITY BOARD MAY NOT PROMULGATE ANY REGULATORY
16 REQUIREMENT RELATED TO EMISSIONS OF GREENHOUSE GASES AS
17 DEFINED IN THE PENNSYLVANIA CLIMATE CHANGE ACT, UNLESS
18 SPECIFICALLY AUTHORIZED BY FEDERAL OR STATE LAW.

19 Section 7. Effective date.

20 This act shall take effect in 60 days.