

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," in powers and duties of
21 Department of General Services and its departmental
22 administrative and advisory boards and commissions, further
23 providing for State heating system to be fueled by coal or
24 natural gas.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Section 2420 of the act of April 9, 1929
28 (P.L.177, No.175), known as The Administrative Code of 1929,
29 amended December 23, 2003 (P.L.282, No.47), is amended to read:

1 Section 2420. State Heating Systems to be Fueled by Coal or
2 Natural Gas.-- (a) The following words and phrases when used in
3 this article shall have, unless the context clearly indicates
4 otherwise, the 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 "Natural gas." A fossil fuel consisting of a mixture of
19 hydrocarbon gases, primarily methane, and possibly including
20 ethane, propane, butane, pentane, carbon dioxide, oxygen,
21 nitrogen and hydrogen sulfide and other gases. The term includes
22 natural gas from oil fields known as associated gas or casing
23 head gas, natural gas fields known as nonassociated gas, coal
24 beds, shale beds and other formations. The term does not include
25 coal bed methane.

26 (b) Any heating system or heating unit installed in a
27 facility owned by the State on or after the effective date of
28 this section shall be fueled by coal or natural gas.

29 (b.1) Any State facility or agency which seeks to perform a
30 study or take any action which may result in the conversion of

1 its coal-fired or natural gas heating system to use a fuel other
2 than coal or natural gas shall publish its intention in the
3 Pennsylvania Bulletin and shall report its intention to do so to
4 the Department of General Services within 90 days prior to
5 beginning the study.

6 (b.2) Any report, finding or recommendations to the State
7 facility or agency as a result of the study shall be reported
8 immediately to the Secretary of General Services and the
9 Appropriations Committee of the Senate and the Appropriations
10 Committee of the House of Representatives.

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

14 (1) using coal or natural gas as the fuel for that heating
15 system or heating unit would violate existing or reasonably
16 anticipated environmental laws or regulations;

17 (2) using coal or natural gas as the fuel for that heating
18 system or heating unit would not be cost effective when compared
19 to using other forms of energy;

20 (3) using electricity generated primarily from the
21 combustion of coal or natural gas would be more cost effective
22 when compared to using coal or natural gas as the fuel for that
23 heating system or heating unit;

24 (4) the principal fuel for that heating system or heating
25 unit would be [natural gas from wells located in Pennsylvania
26 or] wood from forests located in Pennsylvania, if such fuel were
27 at least as cost effective as using coal or natural gas as the
28 fuel; or

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

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

4 (e) The Secretary of General Services shall report to the
5 Appropriations Committees of the House of Representatives and
6 the Senate the basis for any determination that a heating system
7 or heating unit shall be exempt from the requirement of
8 subsection (b).

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