

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 266 Session of 2007

INTRODUCED BY ERICKSON, BOSCOLA, C. WILLIAMS, RAFFERTY, WONDERLING, COSTA, GREENLEAF, MUSTO, STACK, FERLO, BROWNE, VANCE, WASHINGTON, O'PAKE, FONTANA, FUMO, McILHINNEY, MELLOW, KITCHEN, TOMLINSON, DINNIMAN, PILEGGI, A. WILLIAMS AND HUGHES, MARCH 8, 2007

SENATOR M. J. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, OCTOBER 23, 2007

AN ACT

1 Providing for a report on potential ~~global warming~~ CLIMATE <—
2 CHANGE impacts and economic opportunities for this
3 Commonwealth, for duties of the Department of Environmental
4 Protection, for an inventory of greenhouse gases, ~~for~~ <—
5 ~~creation of stakeholder process~~, FOR ESTABLISHMENT OF CLIMATE <—
6 CHANGE ADVISORY COMMITTEE, for a voluntary registry of
7 greenhouse gas emissions and for a climate change action
8 plan.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Pennsylvania
13 ~~Global Warming~~ CLIMATE CHANGE Act. <—

14 Section 2. Definitions.

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

18 "Baseline." A level of greenhouse gas emissions against
19 which future emissions are measured.

1 "Carbon sequestration." The long-term storage of carbon or
2 carbon dioxide in forests, FOREST PRODUCTS, soils, oceans or <—
3 underground in depleted oil and gas reservoirs, coal seams and
4 saline aquifers.

5 "CLIMATE CHANGE." ANY ALTERATION OF THE EARTH'S CLIMATE DUE, <—
6 AT LEAST IN PART, TO EMISSIONS OF GREENHOUSE GASES ASSOCIATED
7 WITH HUMAN ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, THE
8 BURNING OF FOSSIL FUELS, BIOMASS BURNING, CEMENT MANUFACTURE,
9 AGRICULTURE, DEFORESTATION AND OTHER LAND-USE CHANGES.

10 "Cobenefits." The economic, social, environmental, public
11 health and other benefits of ~~global warming~~ CLIMATE CHANGE <—
12 policies that are independent of any benefits for reducing or
13 mitigating ~~global warming~~ CLIMATE CHANGE. <—

14 "COMMITTEE." THE CLIMATE CHANGE ADVISORY COMMITTEE
15 ESTABLISHED IN SECTION 5.

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

18 ~~"Global warming." Any increase in the earth's temperature <—~~
19 ~~due, at least in part, to emissions of greenhouse gases~~
20 ~~associated with human activities, including, but not limited to,~~
21 ~~the burning of fossil fuels, biomass burning, cement~~
22 ~~manufacture, agriculture, deforestation and other land use~~
23 ~~changes.~~

24 "Greenhouse gases" or "GHGs." Gases in the earth's
25 atmosphere that absorb and reemit infrared radiation, including
26 carbon dioxide, nitrous oxide, methane, hydrofluorocarbons,
27 perfluorocarbons and chlorofluorocarbons.

28 ~~"Stakeholders." Experts on global warming and climate change <—~~
29 ~~issues, which include persons from the scientific, business and~~
30 ~~industry, environmental, social, outdoor and sporting, faith-~~

1 ~~based and labor communities as well as other interested parties.~~

2 "SECRETARY." THE SECRETARY OF ENVIRONMENTAL PROTECTION OF <—
3 THE COMMONWEALTH.

4 Section 3. Report on potential ~~global warming~~ CLIMATE CHANGE <—
5 impact and economic opportunities for this
6 Commonwealth.

7 (a) Report required.--The department shall prepare and
8 publish a report on the potential impact of ~~global warming and~~ <—
9 climate change in this Commonwealth. The report shall identify
10 the following:

11 (1) Scientific predictions regarding changes in
12 temperature and precipitation patterns and amounts in this
13 Commonwealth that could result from ~~global warming~~. CLIMATE <—
14 CHANGE. SUCH PREDICTIONS SHALL REFLECT THE DIVERSITY OF VIEWS
15 WITHIN THE SCIENTIFIC COMMUNITY.

16 (2) The potential impact of ~~global warming~~ CLIMATE <—
17 CHANGE on human health, the economy and the management of
18 economic risk, forests, wildlife, fisheries, recreation,
19 agriculture and tourism in this Commonwealth and any
20 significant uncertainties about the impact of ~~global warming~~ <—
21 CLIMATE CHANGE. <—

22 (3) Economic opportunities for this Commonwealth created
23 by the potential need for alternative sources of energy,
24 climate-related technologies, services and strategies; carbon
25 sequestration technologies; capture and utilization of
26 fugitive greenhouse gas emissions from any source and other
27 mitigation strategies.

28 (b) Cooperation.--In preparing the report, the department
29 ~~may~~ SHALL consult with Federal and other state agencies, <—
30 academic institutions and ~~stakeholders~~. THE COMMITTEE. THE <—

1 REPORT SHALL REFLECT ANY DIVERSITY OF OPINION AMONG THE ENTITIES
2 CONSULTED BY THE DEPARTMENT.

3 (c) Deadline.--This report shall be completed, published and
4 distributed to the General Assembly and made available to the
5 public in printed form and on the Internet within ~~six~~ NINE <—
6 months of the effective date of this act and shall be revised
7 every three years thereafter.

8 Section 4. Greenhouse gases inventory.

9 (a) Inventory required.--In consultation with ~~stakeholders~~ <—
10 THE COMMITTEE, the department shall annually ~~create~~ COMPILE an <—
11 inventory of GHGs emitted in this Commonwealth by all sources.
12 This inventory shall establish GHG emission trends and the
13 relative contribution of major sectors, including, but not
14 limited to, the transportation, electricity generation,
15 industrial, commercial, mineral and natural resources,
16 PRODUCTION OF ALTERNATIVE FUEL, agricultural and domestic <—
17 sectors.

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

21 (c) Coordination with action plan.--The inventory and
22 baseline shall be presented to the Governor ~~and stakeholders~~, <—
23 THE GENERAL ASSEMBLY AND THE COMMITTEE every three years as part
24 of the GHG plan of action required under section 7.

25 ~~Section 5. Creation of stakeholder process.~~ <—

26 ~~(a) Appointment. Within 30 days of the effective date of~~
27 ~~this act, the Governor shall appoint stakeholders who shall~~
28 ~~advise the department about implementation of the provisions of~~
29 ~~this act. The stakeholders shall be appointed on account of~~
30 ~~their expertise regarding global warming and climate change~~

1 ~~issues. Stakeholders shall be chosen from scientific, business~~
2 ~~and industry environmental, social, outdoor and sporting, faith-~~
3 ~~based and labor communities along with other interested parties.~~

4 ~~(b) Meetings. Within 60 days of the effective date of this~~
5 ~~act, the department shall call the first meeting of the~~
6 ~~stakeholders and shall establish a schedule for regular meetings~~
7 ~~with stakeholders about implementation of the provisions of this~~
8 ~~act.~~

9 SECTION 5. CLIMATE CHANGE ADVISORY COMMITTEE. <—

10 (A) ESTABLISHMENT.--THERE IS ESTABLISHED WITHIN THE
11 DEPARTMENT THE CLIMATE CHANGE ADVISORY COMMITTEE. THE PURPOSE OF
12 THE COMMITTEE SHALL BE TO ADVISE THE DEPARTMENT REGARDING THE
13 IMPLEMENTATION OF THE PROVISIONS OF THIS ACT.

14 (B) MEMBERSHIP.--

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

17 MEMBERS SHALL BE APPOINTED ON ACCOUNT OF THEIR INTEREST,
18 KNOWLEDGE OR EXPERTISE REGARDING CLIMATE CHANGE ISSUES.

19 MEMBERS SHALL BE SELECTED TO REFLECT A DIVERSITY OF
20 VIEWPOINTS ON CLIMATE CHANGE ISSUES FROM THE SCIENTIFIC,
21 BUSINESS AND INDUSTRY, TRANSPORTATION, ENVIRONMENTAL, SOCIAL,
22 OUTDOOR AND SPORTING, LABOR AND OTHER AFFECTED COMMUNITIES.

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

24 (I) SIX MEMBERS APPOINTED BY THE GOVERNOR.

25 (II) SIX MEMBERS APPOINTED BY THE SENATE. OF THESE
26 MEMBERS, THE MAJORITY LEADER OF THE SENATE SHALL APPOINT
27 FOUR MEMBERS AND THE MINORITY LEADER OF THE SENATE SHALL
28 APPOINT TWO MEMBERS.

29 (III) SIX MEMBERS APPOINTED BY THE HOUSE OF
30 REPRESENTATIVES. OF THESE MEMBERS, THE MAJORITY LEADER OF

1 THE HOUSE OF REPRESENTATIVES SHALL APPOINT FOUR MEMBERS
2 AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
3 SHALL APPOINT TWO MEMBERS.

4 (3) THE SECRETARY OF CONSERVATION AND NATURAL RESOURCES,
5 THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE
6 CHAIR OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, OR THEIR
7 DESIGNEES, SHALL BE EX OFFICIO VOTING MEMBERS OF THE
8 COMMITTEE.

9 (C) APPOINTMENT.--MEMBERS OF THE COMMITTEE SHALL BE
10 APPOINTED WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT.

11 (D) TERMS OF SERVICE.--A MEMBER SHALL BE APPOINTED FOR A
12 TERM OF FOUR YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE
13 GOVERNOR, THREE MEMBERS SHALL SERVE INITIAL TERMS OF TWO YEARS.
14 OF THE INITIAL MEMBERS APPOINTED BY THE MAJORITY LEADER OF THE
15 SENATE, TWO MEMBERS SHALL SERVE INITIAL TERMS OF TWO YEARS. OF
16 THE INITIAL MEMBERS APPOINTED BY THE MAJORITY LEADER OF THE
17 HOUSE OF REPRESENTATIVES, TWO MEMBERS SHALL SERVE INITIAL TERMS
18 OF TWO YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE MINORITY
19 LEADER OF THE SENATE, ONE MEMBER SHALL SERVE AN INITIAL TERM OF
20 TWO YEARS. OF THE INITIAL MEMBERS APPOINTED BY THE MINORITY
21 LEADER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER SHALL SERVE
22 AN INITIAL TERM OF TWO YEARS. AFTER SUCH INITIAL TERMS, ALL
23 APPOINTMENTS SHALL SERVE FOR A TERM OF FOUR YEARS.

24 (E) CHAIRPERSON.--THE CHAIRPERSON OF THE COMMITTEE SHALL BE
25 ELECTED FROM AMONG AND BY A MAJORITY VOTE OF THE MEMBERS
26 APPOINTED UNDER SUBSECTION (B)(2). THE TERM OF A CHAIRPERSON
27 SHALL BE FOR TWO YEARS AND AN INDIVIDUAL MAY SERVE NO MORE THAN
28 TWO CONSECUTIVE TERMS AS CHAIRPERSON.

29 (F) MEETINGS.--WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS
30 ACT, THE DEPARTMENT SHALL CALL THE FIRST MEETING OF THE

1 COMMITTEE AND SHALL ESTABLISH A SCHEDULE FOR REGULAR MEETINGS OF
2 THE COMMITTEE TO ASSIST IN THE IMPLEMENTATION OF THIS ACT.

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

7 (H) FACILITATOR.--THE DEPARTMENT SHALL RETAIN THE SERVICES
8 OF A THIRD-PARTY FACILITATOR TO CONDUCT THE ACTIVITIES OF THE
9 COMMITTEE.

10 (I) DEPARTMENT RESPONSIBILITIES.--THE DEPARTMENT SHALL
11 CREATE AND MAINTAIN AN INTERNET WEBSITE LISTING THE MEMBERSHIP,
12 ACTIVITIES, MEETING SCHEDULE, MEETING AGENDA, EXPENSE
13 REIMBURSEMENTS AND OTHER RELEVANT INFORMATION REGARDING THE
14 COMMITTEE.

15 Section 6. Voluntary greenhouse gas registry.

16 Within 90 days of the effective date of this act, the
17 department shall create a voluntary greenhouse gas registry
18 through which interested businesses, governments, institutions
19 and other entities can record any reductions in greenhouse gas
20 emissions or any avoided emissions of greenhouse gas emissions
21 that are achieved in the absence of any government ~~regulation~~ <—
22 MANDATE TO REDUCE SUCH EMISSIONS. The department shall develop <—
23 ~~rules~~ GUIDELINES and criteria for the operation of the registry <—
24 and shall create a site on the ~~Internet~~ DEPARTMENT'S PUBLICLY <—
25 ACCESSIBLE INTERNET WEBSITE for the public to examine a current
26 list of registrants and emission reductions and avoidances.

27 Section 7. Climate change action plan.

28 (a) Action plan required.--Within ~~one year~~ 15 MONTHS from <—
29 the effective date of this act and every three years thereafter,
30 the department shall, in consultation with the ~~stakeholders~~ <—

1 COMMITTEE, submit to the Governor ~~for approval~~ a climate change ~~←~~
2 action plan that:

3 (1) Identifies GHG emission AND SEQUESTRATION trends and ~~←~~
4 baselines in this Commonwealth.

5 (2) Evaluates cost-effective strategies for reducing OR ~~←~~
6 OFFSETTING GHG emissions from various sectors in this
7 Commonwealth.

8 ~~(3) Evaluates specific reduction targets for overall GHG ~~←~~~~
9 ~~emissions in this Commonwealth.~~

10 ~~(4)~~ (3) Identifies costs, benefits and cobenefits of GHG ~~←~~
11 reduction strategies recommended by the GHG action plan, ~~←~~
12 INCLUDING THE IMPACT ON THE CAPABILITY OF MEETING FUTURE
13 ENERGY DEMAND WITHIN THIS COMMONWEALTH.

14 ~~(5)~~ (4) Identifies areas of agreement and disagreement ~~←~~
15 among ~~stakeholders~~ COMMITTEE MEMBERS about the GHG action ~~←~~
16 plan.

17 ~~(6)~~ (5) Recommends to the General Assembly legislative ~~←~~
18 changes necessary to implement the GHG action plan.

19 ~~(b) Approval of Governor. Within 90 days from receipt of ~~←~~~~
20 ~~the GHG action plan, the Governor shall approve the GHG action~~
21 ~~plan. In executing his approval, the Governor shall have the~~
22 ~~option to amend the GHG action plan.~~

23 ~~(c)~~ (b) Publication.--The ~~approved~~ GHG action plan shall be ~~←~~
24 published and distributed to the General Assembly and made
25 available to the public in printed form and on the Internet
26 ~~within 30 days of the approval of the plan.~~ WEBSITE UPON ~~←~~
27 SUBMISSION OF THE PLAN TO THE GOVERNOR.

28 SECTION 8. EFFECT OF FEDERAL LAW.

29 (A) DUTY OF SECRETARY TO MONITOR FEDERAL LAW.--THE SECRETARY
30 SHALL MONITOR THE ENACTMENT OF LAWS BY THE CONGRESS OF THE

1 UNITED STATES TO DETERMINE WHETHER ANY LAW HAS BEEN SO ENACTED
2 THAT IT ESTABLISHES A PROGRAM OF GHG INVENTORY, REGISTRY OR
3 REPORTING REQUIREMENTS THAT ARE AS OR MORE COMPREHENSIVE THAN
4 THOSE SET FORTH IN THIS ACT.

5 (B) PUBLICATION IN PENNSYLVANIA BULLETIN.--IF THE SECRETARY
6 DETERMINES THAT SUCH A LAW IS ENACTED, THE SECRETARY SHALL
7 PUBLISH THIS DETERMINATION IN THE PENNSYLVANIA BULLETIN. THE
8 NOTICE SHALL INCLUDE A STATEMENT THAT AFFECTED ENTITIES SHALL BE
9 IN COMPLIANCE WITH THIS ACT OR ANY SUBSEQUENT ACT WHICH IMPOSES
10 GHG INVENTORY, REGISTRY OR REPORTING REQUIREMENTS BY SUBMITTING
11 THE SAME INFORMATION TO THE DEPARTMENT AS IS REQUIRED TO BE
12 SUBMITTED UNDER FEDERAL LAW.

13 Section 9. Effective date.

←

14 This act shall take effect immediately.