

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1

Special Session No. 1 of 2007-2008

INTRODUCED BY DePASQUALE, BELFANTI, BENNINGTON, CALTAGIRONE, DALEY, EACHUS, FRANKEL, FREEMAN, GEIST, GEORGE, KESSLER, KORTZ, McCALL, McGEEHAN, McILVAINE SMITH, M. O'BRIEN, PASHINSKI, SIPTROTH, SURRA, VITALI, YUDICHAK, PARKER, WOJNAROSKI, JOSEPHS, WALKO, YOUNGBLOOD, HORNAMAN, MANDERINO, MELIO, SCAVELLO AND K. SMITH, NOVEMBER 15, 2007

AS RE-REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 6, 2008

AN ACT

1 Amending Title 64 (Public Authorities and Quasi-Public
2 Corporations) of the Pennsylvania Consolidated Statutes, in
3 Commonwealth Financing Authority, ~~providing for use of funds~~ <—
4 ~~dedicated by the General Assembly;~~ further providing for
5 indebtedness; ESTABLISHING THE CLEAN ENERGY PROGRAM; <—
6 consolidating provisions of The Administrative Code of 1929
7 relating to the Energy Development Authority and emergency
8 powers; further providing for board directors, meetings and
9 quorum, for the powers of the Pennsylvania Energy Development
10 Authority and for authority indebtedness; and making a
11 related repeal.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Title 64 of the Pennsylvania Consolidated~~ <—
15 ~~Statutes is amended by adding a section to read:~~

16 ~~§ 1515. Funds dedicated by the General Assembly.~~

17 ~~(a) Dedication of funds. The General Assembly shall~~
18 ~~dedicate funds to carry out the purposes of this section.~~

19 ~~(b) Transfer of funds. The State Treasurer shall transfer~~
20 ~~all funds received pursuant to this section within 30 days of~~

1 ~~receipt of the funds as follows:~~

2 ~~(1) Six hundred million dollars to the Energy~~
3 ~~Development Fund for the purposes of 64 Pa.C.S. § 1806(21)~~
4 ~~(relating to powers and duties).~~

5 ~~(2) Two hundred fifty million dollars to the authority~~
6 ~~for the purposes of this section.~~

7 ~~(c) Uses of funds by authority. With respect to funds~~
8 ~~dedicated by the General Assembly for the purposes of this~~
9 ~~section, the authority shall have the powers and duties to~~
10 ~~fulfill the obligations of a bond for alternative energy~~
11 ~~projects, including, but not limited to, funding for alternative~~
12 ~~and renewable energy projects, such as:~~

13 ~~(1) An amount up to 20% of the revenues transferred to~~
14 ~~the authority, but no more than \$50,000,000 to provide loans~~
15 ~~to venture capital partnerships. The funds designated for~~
16 ~~this purpose shall be transferred to the New Pennsylvania~~
17 ~~Venture Capital Investment Program under section 1557~~
18 ~~(relating to New Pennsylvania Venture Capital Investment~~
19 ~~Program).~~

20 ~~(2) An amount up to 20% of the revenues transferred to~~
21 ~~the authority, but no more than \$50,000,000 to provide grants~~
22 ~~and loans for working capital, equipment acquisition,~~
23 ~~construction and site preparation.~~

24 ~~(3) An amount up to 60% of the revenues transferred to~~
25 ~~the authority, but no more than \$150,000,000 to provide~~
26 ~~grants and loans to businesses and municipalities, municipal~~
27 ~~authorities, redevelopment authorities and industrial~~
28 ~~development agencies for infrastructure preparation and~~
29 ~~development of high efficient advanced energy business sites.~~

30 ~~(d) Policy. In exercising its powers and duties under~~

1 ~~subsection (a), the authority shall:~~

2 ~~(1) Promote the diversification of energy generation by~~
3 ~~supporting a broad cross section of clean energy~~
4 ~~technologies.~~

5 ~~(2) Encourage the deployment of distributed generation~~
6 ~~projects for public infrastructure around this Commonwealth.~~

7 ~~(3) Consider the economic development potential of each~~
8 ~~proposed project as it fits into the larger context of this~~
9 ~~Commonwealth's advanced energy market.~~

10 ~~(4) Establish the goal of expanding the market for~~
11 ~~clean, advanced energy technologies, service and fuels. In~~
12 ~~pursuit of this goal, the authority shall emphasize the~~
13 ~~following investment priorities:~~

14 ~~(i) Attracting or expanding clean, advanced energy~~
15 ~~manufacturing operations in this Commonwealth.~~

16 ~~(ii) Deployment of "behind the fence" clean,~~
17 ~~advanced, energy projects at manufacturing facilities to~~
18 ~~enhance their competitiveness.~~

19 ~~(5) Bring the most flexibility possible to the design of~~
20 ~~its financing vehicles and to the focus of its solicitations.~~
21 ~~Financing vehicles such as loan guarantees, insurance~~
22 ~~products and flex loans, which can have delayed repayment~~
23 ~~schedules or very low interest rates, may be utilized in~~
24 ~~addition to traditional financing for some types of projects.~~
25 ~~The authority shall emphasize flexibility in its~~
26 ~~solicitations, which may be broadly targeted to the general~~
27 ~~advanced energy community or narrowly targeted toward~~
28 ~~specific areas where market gaps exist.~~

29 ~~(6) Seek to leverage its capital to the maximum extent~~
30 ~~possible. The authority may work with the investment and~~

~~developer community to leverage its funds by requiring significant matching funds for all projects except in rare circumstances and, when allowable, by investing in projects that are likely to yield significant returns. The authority shall consider ways to manage and increase its own funding, including exploration of a variety of potential avenues, including, but not limited to, Federal grants, private foundation grants and legislative appropriations.~~

~~(7) Require, except in rare circumstances, all projects to demonstrate that they have obtained significant matching funds, including, but not limited to, funds from Federal, State, local or private sources, or any combination thereof.~~

~~(8) Evaluate a proposed project to ascertain whether the project has sufficient funding to enable project completion.~~

~~(9) When considering loans or loan guarantees, thoroughly evaluate, in partnership with the department, the credit of all borrowers and ensure that all financing is awarded to borrowers who evidence a reasonable likelihood of being able to repay such loans.~~

~~(c) Evaluation criteria. In addition to specific criteria developed by the authority, the following general criteria shall be considered by the authority for all deployment projects:~~

~~(1) Potential to expand the market for the indigenous energy resources of this Commonwealth.~~

~~(2) Potential to enhance Pennsylvania's energy security and diversity.~~

~~(3) Ability to demonstrate significant environmental benefits.~~

~~(4) Potential either to promote energy conservation or to increase energy production from alternative energy~~

1 ~~sources.~~

2 ~~(5) Potential economic benefits for the Commonwealth,~~
3 ~~which may be in the form of job creation, new investment,~~
4 ~~savings to consumers or revenue generation for other~~
5 ~~beneficiaries, such as farmers, local governments or other~~
6 ~~landowners.~~

7 ~~(6) Technical feasibility and cost effectiveness of the~~
8 ~~project.~~

9 Section 2. ~~Section 1543 of Title 64 is amended by adding a~~
10 ~~subsection to read:~~

11 SECTION 1. SECTION 1543(B) AND (D) OF TITLE 64 OF THE <—
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED BY ADDING
13 PARAGRAPHS TO READ:

14 § 1543. Indebtedness.

15 * * *

16 ~~(d.1) Bonds issued from funds dedicated by the General <—~~
17 ~~Assembly. Bonds issued for the programs established in section~~
18 ~~1515 (relating to funds dedicated by the General Assembly) shall~~
19 ~~not be subject to nor shall they apply toward the aggregate~~
20 ~~amount of indebtedness permitted to be incurred by the authority~~
21 ~~under this section.~~

22 (B) PROGRAM LIMITATIONS.--INDEBTEDNESS INCURRED BY THE <—
23 AUTHORITY UNDER SUBSECTION (A) SHALL NOT, IN AGGREGATE, EXCEED
24 ANY OF THE FOLLOWING:

25 * * *

26 ~~(9) \$250,000,000 FOR THE PROGRAMS ESTABLISHED IN SECTION~~
27 ~~1559 (RELATING TO CLEAN ENERGY PROGRAM).~~

28 ~~(10) \$600,000,000 FOR THE PROGRAMS ESTABLISHED IN~~
29 ~~SECTION 1806(21) (RELATING TO POWERS AND DUTIES).~~

30 * * *

1 (D) EXCEPTION.--SUBSECTION (C) SHALL NOT APPLY TO THE
2 AGGREGATE AMOUNT OF INDEBTEDNESS INCURRED BY THE AUTHORITY,
3 INCLUDING THROUGH THE ISSUANCE OF BONDS, FOR THE FOLLOWING
4 PROGRAMS:

5 * * *

6 (4) THE PROGRAMS ESTABLISHED IN SECTION 1559.

7 (5) THE PROGRAMS ESTABLISHED IN SECTION 1806(21).

8 * * *

9 SECTION 2. TITLE 64 IS AMENDED BY ADDING A SECTION TO READ:
10 § 1559. CLEAN ENERGY PROGRAM.

11 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED A PROGRAM TO
12 BE KNOWN AS THE CLEAN ENERGY PROGRAM, AND THE PROGRAM SHALL
13 PROVIDE FINANCIAL ASSISTANCE FOR THE PREPARATION OF SITES
14 LOCATED WITHIN THIS COMMONWEALTH FOR FUTURE DEVELOPMENT.

15 (B) FUNDING.--AN AMOUNT NOT TO EXCEED \$20,000,000 OF THE
16 GROSS RECEIPTS COLLECTED DURING EACH FISCAL YEAR UNDER ARTICLE
17 XI OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
18 REFORM CODE OF 1971, SHALL BE ANNUALLY APPROPRIATED FROM THE
19 GENERAL FUND TO THE AUTHORITY FOR THE PROGRAM ESTABLISHED IN
20 THIS SECTION.

21 (C) USES OF FUNDS BY AUTHORITY.--WITH RESPECT TO FUNDING
22 UNDER SUBSECTION (B), THE AUTHORITY SHALL HAVE THE POWERS AND
23 DUTIES TO FULFILL THE OBLIGATIONS OF A BOND FOR ALTERNATIVE
24 ENERGY PROJECTS, INCLUDING, BUT NOT LIMITED TO, FUNDING FOR
25 ALTERNATIVE AND RENEWABLE ENERGY PROJECTS, SUCH AS:

26 (1) AN AMOUNT UP TO 20% OF THE REVENUES TRANSFERRED TO
27 THE AUTHORITY, BUT NO MORE THAN \$50,000,000 TO PROVIDE LOANS
28 TO VENTURE CAPITAL PARTNERSHIPS. THE FUNDS DESIGNATED FOR
29 THIS PURPOSE SHALL BE TRANSFERRED TO THE NEW PENNSYLVANIA
30 VENTURE CAPITAL INVESTMENT PROGRAM UNDER SECTION 1557

1 (RELATING TO NEW PENNSYLVANIA VENTURE CAPITAL INVESTMENT
2 PROGRAM).

3 (2) AN AMOUNT UP TO 20% OF THE REVENUES TRANSFERRED TO
4 THE AUTHORITY, BUT NO MORE THAN \$50,000,000 TO PROVIDE GRANTS
5 AND LOANS FOR WORKING CAPITAL, EQUIPMENT ACQUISITION,
6 CONSTRUCTION AND SITE PREPARATION.

7 (3) AN AMOUNT UP TO 60% OF THE REVENUES TRANSFERRED TO
8 THE AUTHORITY, BUT NO MORE THAN \$150,000,000 TO PROVIDE
9 GRANTS AND LOANS TO BUSINESSES AND MUNICIPALITIES, MUNICIPAL
10 AUTHORITIES, REDEVELOPMENT AUTHORITIES AND INDUSTRIAL
11 DEVELOPMENT AGENCIES FOR INFRASTRUCTURE PREPARATION AND
12 DEVELOPMENT OF HIGH EFFICIENT ADVANCED ENERGY BUSINESS SITES.

13 (D) POLICY.--IN EXERCISING ITS POWERS AND DUTIES UNDER
14 SUBSECTION (A), THE AUTHORITY SHALL:

15 (1) PROMOTE THE DIVERSIFICATION OF ENERGY GENERATION BY
16 SUPPORTING A BROAD CROSS SECTION OF CLEAN ENERGY
17 TECHNOLOGIES.

18 (2) ENCOURAGE THE DEPLOYMENT OF DISTRIBUTED GENERATION
19 PROJECTS FOR PUBLIC INFRASTRUCTURE AROUND THIS COMMONWEALTH.

20 (3) CONSIDER THE ECONOMIC DEVELOPMENT POTENTIAL OF EACH
21 PROPOSED PROJECT AS IT FITS INTO THE LARGER CONTEXT OF THIS
22 COMMONWEALTH'S ADVANCED ENERGY MARKET.

23 (4) ESTABLISH THE GOAL OF EXPANDING THE MARKET FOR CLEAN
24 ENERGY TECHNOLOGIES, SERVICES AND FUELS. IN PURSUIT OF THIS
25 GOAL, THE AUTHORITY SHALL EMPHASIZE THE FOLLOWING INVESTMENT
26 PRIORITIES:

27 (I) ATTRACTING OR EXPANDING CLEAN ENERGY
28 MANUFACTURING OPERATIONS IN THIS COMMONWEALTH.

29 (II) DEPLOYMENT OF CLEAN ENERGY PROJECTS AT
30 MANUFACTURING FACILITIES TO ENHANCE THEIR

1 COMPETITIVENESS.

2 FOR PURPOSES OF THIS SUBSECTION, "CLEAN ENERGY" SHALL
3 MEAN ALTERNATIVE ENERGY SOURCES AS DEFINED IN THE ACT OF
4 NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN AS THE
5 ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT, AND
6 ALTERNATIVE FUELS, INCLUDING THOSE DEFINED IN THE ACT OF
7 NOVEMBER 29, 2004 (P.L.1376, NO.178), KNOWN AS THE
8 ALTERNATIVE FUELS INCENTIVE ACT.

9 (5) BRING THE MOST FLEXIBILITY POSSIBLE TO THE DESIGN OF
10 ITS FINANCING VEHICLES AND TO THE FOCUS OF ITS SOLICITATIONS.
11 FINANCING VEHICLES SUCH AS LOAN GUARANTEES, INSURANCE
12 PRODUCTS AND FLEX LOANS, WHICH CAN HAVE DELAYED REPAYMENT
13 SCHEDULES OR VERY LOW INTEREST RATES, MAY BE UTILIZED IN
14 ADDITION TO TRADITIONAL FINANCING FOR SOME TYPES OF PROJECTS.
15 THE AUTHORITY SHALL EMPHASIZE FLEXIBILITY IN ITS
16 SOLICITATIONS, WHICH MAY BE BROADLY TARGETED TO THE GENERAL
17 ADVANCED ENERGY COMMUNITY OR NARROWLY TARGETED TOWARD
18 SPECIFIC AREAS WHERE MARKET GAPS EXIST.

19 (6) SEEK TO LEVERAGE ITS CAPITAL TO THE MAXIMUM EXTENT
20 POSSIBLE. THE AUTHORITY MAY WORK WITH THE INVESTMENT AND
21 DEVELOPER COMMUNITY TO LEVERAGE ITS FUNDS BY REQUIRING
22 SIGNIFICANT MATCHING FUNDS FOR ALL PROJECTS EXCEPT IN RARE
23 CIRCUMSTANCES AND, WHEN ALLOWABLE, BY INVESTING IN PROJECTS
24 THAT ARE LIKELY TO YIELD SIGNIFICANT RETURNS. THE AUTHORITY
25 SHALL CONSIDER WAYS TO MANAGE AND INCREASE ITS OWN FUNDING,
26 INCLUDING EXPLORATION OF A VARIETY OF POTENTIAL AVENUES,
27 INCLUDING, BUT NOT LIMITED TO, FEDERAL GRANTS, PRIVATE
28 FOUNDATION GRANTS AND LEGISLATIVE APPROPRIATIONS.

29 (7) REQUIRE, EXCEPT IN RARE CIRCUMSTANCES, ALL PROJECTS
30 TO DEMONSTRATE THAT THEY HAVE OBTAINED SIGNIFICANT MATCHING

1 FUNDS, INCLUDING, BUT NOT LIMITED TO, FUNDS FROM FEDERAL,
2 STATE, LOCAL OR PRIVATE SOURCES.

3 (8) EVALUATE A PROPOSED PROJECT TO ASCERTAIN WHETHER THE
4 PROJECT HAS SUFFICIENT FUNDING TO ENABLE PROJECT COMPLETION.

5 (9) WHEN CONSIDERING LOANS OR LOAN GUARANTEES,
6 THOROUGHLY EVALUATE, IN PARTNERSHIP WITH THE DEPARTMENT, THE
7 CREDIT OF ALL BORROWERS AND ENSURE THAT ALL FINANCING IS
8 AWARDED TO BORROWERS WHO EVIDENCE A REASONABLE LIKELIHOOD OF
9 BEING ABLE TO REPAY THE LOANS.

10 (E) EVALUATION CRITERIA.--IN ADDITION TO SPECIFIC CRITERIA
11 DEVELOPED BY THE AUTHORITY, THE FOLLOWING GENERAL CRITERIA SHALL
12 BE CONSIDERED BY THE AUTHORITY FOR ALL DEPLOYMENT PROJECTS:

13 (1) POTENTIAL TO EXPAND THE MARKET FOR THE INDIGENOUS
14 ENERGY RESOURCES OF THIS COMMONWEALTH.

15 (2) POTENTIAL TO ENHANCE THIS COMMONWEALTH'S ENERGY
16 SECURITY AND DIVERSITY.

17 (3) ABILITY TO DEMONSTRATE SIGNIFICANT ENVIRONMENTAL
18 BENEFITS.

19 (4) POTENTIAL TO EITHER PROMOTE ENERGY CONSERVATION OR
20 TO INCREASE ENERGY PRODUCTION FROM ALTERNATIVE ENERGY
21 SOURCES.

22 (5) POTENTIAL ECONOMIC BENEFITS FOR THE COMMONWEALTH,
23 WHICH MAY BE IN THE FORM OF JOB CREATION, NEW INVESTMENT,
24 SAVINGS TO CONSUMERS OR REVENUE GENERATION FOR OTHER
25 BENEFICIARIES, SUCH AS FARMERS, LOCAL GOVERNMENTS OR OTHER
26 LANDOWNERS.

27 (6) TECHNICAL FEASIBILITY AND COST-EFFECTIVENESS OF THE
28 PROJECT.

29 Section 3. Title 64 is amended by adding a chapter to read:

30 CHAPTER 18

1 ENERGY DEVELOPMENT AUTHORITY AND EMERGENCY POWERS

2 Sec.

3 1801. Definitions.

4 1802. Emergency petroleum product shortages.

5 1803. Energy Development Authority.

6 1804. Technical and financial support.

7 1805. Annual report.

8 1806. Powers and duties.

9 1807. Authority indebtedness.

10 1808. Financial assistance.

11 1809. Energy development plan.

12 1810. Exemption from taxation.

13 1811. Funding of authority.

14 1812. Limitation of powers.

15 1813. Audit.

16 § 1801. Definitions.

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

20 "Authority." The Energy Development Authority established in
21 section 1803 (relating to Energy Development Authority).

22 "Board." The board of directors of the Energy Development
23 Authority.

24 "Bonds." Notes, bonds, refunding or renewal notes and bonds
25 and other evidence of indebtedness or obligations which the
26 Energy Development Authority is authorized to issue.

27 "Cost." The expense of construction and the expense of
28 acquisition of all structures, lands and other property rights
29 and interests in land necessary to a project. The term also
30 includes the expense of demolishing, removing or relocating any

1 buildings or structures on lands acquired or to be acquired,
2 including the following:

3 (1) the expense of acquiring any lands to which the
4 buildings or structures may be moved or relocated;

5 (2) sewage treatment, waste treatment and pollution
6 control facilities;

7 (3) railroad sidings, spurs or branch lines;

8 (4) all labor, materials, machinery and equipment and
9 fixtures;

10 (5) financing charges;

11 (6) interest on all bonds prior to and during
12 construction and for a period of one year thereafter;

13 (7) engineering, financial and legal services;

14 (8) plans, specifications, studies, surveys necessary or
15 incidental to determining the feasibility or practicability
16 of constructing a project;

17 (9) administrative expenses;

18 (10) reserves for interest and for extension,
19 enlargements, additions and improvements; and

20 (11) such other expenses as may be necessary or
21 incidental to the construction of the project and the placing
22 of the same in operation.

23 "Person." A natural person, corporation, partnership,
24 association or municipality of this Commonwealth and any public
25 corporation, authority or body whatsoever.

26 "Petroleum product." Motor gasoline, kerosene, distillates,
27 including Number 2 fuel oil, and diesel fuel.

28 "Project." An activity entirely or largely conducted in this
29 Commonwealth which cannot be effectively funded using privately
30 available resources, relating to:

1 (1) basic and applied research concerning energy use,
2 renewable energy resources and energy extraction,
3 transmission, storage or conversion;

4 (2) limited scale demonstration of innovative or
5 commercially unproven technology to promote the production,
6 use or conservation of energy;

7 (3) activities to promote or remove obstacles to the
8 utilization and transportation of Pennsylvania energy
9 resources, including, but not limited to, limited scale
10 synthetic fuel facilities and the conversion or technological
11 improvement of industrial, commercial or agricultural systems
12 to utilize Pennsylvania coal or renewable energy resources,
13 except that the facility shall not unreasonably interfere
14 with private waste recycling industries;

15 (4) activities designed to further development or
16 deployment of:

17 (i) alternative energy sources, including those
18 defined in the act of November 30, 2004 (P.L.1672,
19 No.213), known as the Alternative Energy Portfolio
20 Standards Act;

21 (ii) alternative fuels, including those defined in
22 the act of November 29, 2004 (P.L.1376, No.178), known as
23 the Alternative Fuels Incentive Act;

24 (iii) energy efficiency technology; and

25 (iv) energy conservation measures.

26 (5) Activities designed to improve the energy efficiency
27 of large-scale industrial production facilities.

28 § 1802. Emergency petroleum product shortages.

29 (a) General rule.--The Governor may, by executive order,
30 proclaim a state of emergency based upon a finding that there

1 impends or exists a substantial shortage of petroleum products
2 available for use in this Commonwealth which poses a serious
3 threat to the health, safety or welfare of the public. A state
4 of emergency shall remain in effect for the maximum period of 90
5 days and may be extended by the Governor unless the extension is
6 disapproved by concurrent resolution adopted by both houses of
7 the General Assembly. A state of emergency may be declared for
8 all or any portion of this Commonwealth.

9 (b) Designation.--Upon proclamation of a state of emergency,
10 the Governor shall designate a State agency to conduct emergency
11 allocation measures during the period of the declared emergency.
12 Emergency allocation measures may consist of:

13 (1) the administration of any emergency allocation
14 powers delegated to the Commonwealth by the President or any
15 Federal agency;

16 (2) the implementation of a set-aside program, for not
17 more than 1% of the petroleum products available for use in
18 this Commonwealth, to alleviate hardship or meet emergency
19 needs. A set-aside program shall be established in conformity
20 with any Federal law, regulations or executive orders
21 governing petroleum allocation and shall apply only to
22 petroleum products found to be in a substantial shortage;

23 (3) measures to reduce demand for or consumption of
24 gasoline; and

25 (4) other measures identified by the Governor in an
26 executive order proclaiming a state of emergency as necessary
27 to protect the public health, safety and welfare.

28 (c) Regulations.--The agency designated by the Governor to
29 conduct emergency measures may, during the period of the
30 emergency, adopt rules and regulations pursuant to section 204

1 of the act of July 31, 1968 (P.L.769, No.240), referred to as
2 the Commonwealth Documents Law. Any regulation adopted during a
3 state of emergency shall be automatically rescinded upon the
4 expiration of the emergency.

5 (d) Monitoring.--The Governor may designate a State agency
6 to monitor supplies of petroleum products available for use in
7 this Commonwealth to determine whether there exists, or is
8 likely to exist, a shortage.

9 (1) In order to monitor supplies of petroleum products,
10 the agency may require recordkeeping and periodic reports
11 from petroleum suppliers which shall, to the maximum extent
12 possible, employ federally mandated reports and records,
13 avoid duplicative reporting and recordkeeping and minimize
14 paperwork, recordkeeping and reporting requirements.

15 (2) Reports filed and records maintained pursuant to
16 this subsection shall be deemed confidential.

17 (3) When a petroleum supplier or a company providing
18 information to a petroleum supplier claims that the
19 information requested by the agency is confidential,
20 proprietary, market or trade secret information or when the
21 information is deemed confidential pursuant to this section,
22 the agency shall not disclose the information publicly or to
23 any other governmental agency unless the information is
24 aggregated as part of a statistical report in which the data
25 and individual companies supplying the data cannot be
26 identified.

27 (4) No employee or appointee of the agency or any other
28 person may release information from a petroleum product
29 company that would enable data provided by or relating to
30 individual customers of the petroleum company to be

1 identified as relating to or coming from the individual
2 customer. Any person disclosing the information in violation
3 of this section commits a misdemeanor of the third degree,
4 shall be subject to disciplinary action, including reprimand,
5 suspension or termination, and may be ordered to make
6 restitution to any injured or aggrieved party for losses or
7 damages shown.

8 (5) In order to obtain information required pursuant to
9 this subsection, the agency designated by the Governor to
10 monitor supplies of petroleum products may receive or share
11 information from any other Federal, State or local agency.
12 The agency shall provide the same confidentiality to
13 information recovered as is provided by the supplying agency.

14 § 1803. Energy Development Authority.

15 (a) Establishment.--There is established the Energy
16 Development Authority.

17 (b) Board of directors.--The authority shall be governed and
18 all of its corporate powers exercised by a board of directors
19 which shall be composed of the following individuals:

20 (1) The Secretary of Environmental Protection or a
21 designee.

22 (2) The Secretary of Banking or a designee.

23 (3) The Secretary of Community and Economic Development
24 or a designee.

25 (4) The Secretary of Agriculture or a designee.

26 (5) Four legislative appointees.

27 (i) Appointments are as follows:

28 (A) One individual appointed by the President
29 pro tempore of the Senate.

30 (B) One individual appointed by the Minority

1 Leader of the Senate.

2 (C) One individual appointed by the Majority
3 Leader of the House of Representatives.

4 (D) One individual appointed by the Minority
5 Leader of the House of Representatives.

6 (ii) Legislative appointees shall serve at the
7 pleasure of the appointing authority.

8 (iii) An individual appointed to the board pursuant
9 to subparagraph (i) may not be a member of the General
10 Assembly or staff of a member of the General Assembly.

11 (c) Organization.--The Governor shall select a member of the
12 board to serve as chairperson. The members shall select from
13 among themselves such officers as they shall determine.

14 (d) Compensation.--Members of the board of directors shall
15 be entitled to no compensation for their services as members but
16 shall be entitled to reimbursement for all necessary expenses
17 incurred in connection with the performance of their duties as
18 members.

19 (e) Meetings and quorum.--The board of directors shall
20 provide for the holding of regular and special meetings. The
21 consent of at least five directors, with at least four of the
22 consenting directors being appointed under subsection (b)(5),
23 shall be required to adopt any action on behalf of the
24 authority.

25 § 1804. Technical and financial support.

26 (a) General rule.--The Governor shall designate a State
27 agency to provide staff services to the authority for its
28 administration of this chapter, including technical services to
29 assist the authority in carrying out the provisions of this
30 chapter.

1 (b) Personnel and services.--The authority may utilize
2 personnel and services from any departments, agencies or other
3 authorities of the Commonwealth whose facilities and services
4 may be useful to the authority for implementation of this
5 chapter upon approval of the departments, agencies or
6 authorities.

7 (c) Reimbursement.--The authority may make reimbursement to
8 an agency, department or authority of the Commonwealth for
9 expenses incurred in providing services or use of facilities
10 acquired by the authority.

11 (d) Construction.--Notwithstanding 66 Pa.C.S. § 511
12 (relating to disposition, appropriation and disbursement of
13 assessments and fees) or any other law of this Commonwealth, no
14 funds received as reimbursement under this section shall be
15 deemed to be in substitution for funds from another source, nor
16 shall the funds reduce assessments to any utility. No funds
17 shall lapse at termination of a fiscal year, nor shall the funds
18 reduce any assessment by the Pennsylvania Public Utility
19 Commission in any fiscal year.

20 § 1805. Annual report.

21 The board shall make an annual report of the activities of
22 the authority for the preceding fiscal year, not later than 120
23 days after the conclusion of the fiscal year, to the Governor
24 and General Assembly. Each report shall contain a statement of
25 activities and a complete operating and financial statement
26 covering the operations of the authority.

27 § 1806. Powers and duties.

28 The authority, as a public corporation and governmental
29 instrumentality exercising public powers of the Commonwealth, is
30 granted, shall have and may exercise all powers necessary or

1 appropriate to carry out and effectuate the purposes of this
2 chapter, including, but not limited to, the power:

3 (1) To conduct examinations and investigations and take
4 testimony under oath or affirmation at public or private
5 hearings on matters material for its information and
6 necessary to determination and approval of energy development
7 project loan applications.

8 (2) To have existence until its existence shall be
9 terminated by law.

10 (3) To sue and be sued, implead and be impleaded,
11 complain and defend in all courts.

12 (4) To adopt, use and alter at will a corporate seal.

13 (5) To make bylaws for management and regulation of its
14 affairs and make, amend and repeal rules and regulations
15 governing the business of the authority.

16 (6) To seek technical determinations on project
17 applications.

18 (7) To make contracts of every name and nature and
19 execute all instruments necessary or convenient for the
20 carrying on of its business.

21 (8) To accept grants from and enter into contracts or
22 other transactions with Federal agencies.

23 (9) To take title by foreclosure or otherwise to a
24 project or other property pledged, mortgaged, encumbered or
25 otherwise available as security for a project financed in
26 whole or in part by the authority, whether by loan, loan
27 guarantee or otherwise where acquisition is necessary to
28 protect the interests of the authority regarding a project,
29 to pay costs arising out of the acquisition from money held
30 in the Energy Development Fund and to sell, transfer and

1 convey all or any portion of a project to a responsible
2 buyer.

3 (10) To purchase and make payments of mortgages on any
4 project where the purchase or payment is necessary to protect
5 a loan or loan guarantee previously made by the authority and
6 to sell, transfer, convey or assign any such mortgage. Money
7 so used by the authority in the purchase of any mortgage, or
8 any payments thereon, shall be withdrawn from the Energy
9 Development Fund, and money derived from the sale of any
10 mortgages shall be deposited by the authority in the fund.

11 (11) To lease, lease with an option to purchase, sell by
12 installment sale or otherwise, or otherwise dispose of any or
13 all of its projects, for the rentals or amounts and upon such
14 terms and conditions as the authority deems proper.

15 (12) To finance projects by making loans to persons to
16 provide funds for project costs.

17 (13) To guarantee loans of money made to persons, upon
18 the terms and conditions which the authority may prescribe,
19 relating to projects.

20 (14) To make grants to fund projects.

21 (15) To collect fees and charges determined to be
22 reasonable as to activities undertaken in furtherance of the
23 purposes of this chapter.

24 (16) To borrow money for the operation and work of the
25 authority by making notes and issuing bonds under the
26 provisions of this chapter.

27 (17) To pledge, hypothecate or otherwise encumber
28 revenues or receipts of the authority as security for bonds
29 of the authority.

30 (18) To receive appropriations and apply for and accept

1 grants, gifts, donations, bequests and settlements from a
2 public or private source. Money received by the authority
3 shall be deposited in the Energy Development Fund and used
4 for the purposes of the authority.

5 (19) To promote and facilitate the sale through this
6 Commonwealth of alternative energy credits as defined in the
7 act of November 30, 2004 (P.L.1672, No.213), known as the
8 Alternative Energy Portfolio Standards Act. This paragraph
9 shall not be construed as conferring on the Commonwealth the
10 authority to purchase, acquire or sell alternative energy
11 credits.

12 (20) To establish rebate and incentive programs to help
13 defray the costs to persons associated with the purchase,
14 manufacture or distribution of products used to generate
15 alternative energy or employing energy-efficient technology.

16 (21) To enter into agreements with the Department of
17 Community and Economic Development and the Ben Franklin
18 Technology Development Authority to provide for the transfer
19 of funds from the Energy Development Fund or other funds
20 under the control of the authority, to be used for energy-
21 related activities and to fulfill the obligations of a bond
22 for alternative energy projects, including:

23 (i) An amount up to 9% of the revenues in the fund,
24 but no more than \$56,000,000 to the Ben Franklin
25 Technology Development Authority to support early-stage
26 activities, including incubator support services,
27 management support, translational research activities and
28 early-stage capital. The funds designated for these
29 purposes shall be allocated to the Ben Franklin
30 Technology Partners. Funding shall be subject to the

1 guidelines established by the Ben Franklin Technology
2 Development Authority. The guidelines shall be posted on
3 its official Internet website.

4 (ii) An amount up to 8% of the revenues in the fund,
5 but not more than \$44,000,000 to create a rebate program
6 to lower the retail price of new energy-efficient
7 appliances.

8 (iii) An amount up to 33% of the revenues in the
9 fund, but not more than \$200,000,000 toward rebates and
10 grants for solar photovoltaic, other solar electric or
11 solar thermal projects and toward production incentives
12 to encourage the establishment or expansion of solar
13 manufacturing operations in this Commonwealth. Not less
14 than 65% of the total funding under this subsection shall
15 be used for rebates and grants for solar photovoltaic,
16 other solar electric or solar thermal projects. Projects
17 installing solar equipment manufactured in this
18 Commonwealth are eligible for rebates and grants up to
19 15% greater than comparable projects installing equipment
20 manufactured outside this Commonwealth.

21 (iv) An amount up to 50% of the revenues in the
22 fund, but no more than \$300,000,000 to provide grants and
23 loans for alternative energy projects, alternative fuels
24 and demand-side management and efficiency measures for
25 all customer classes, including, but not limited to,
26 energy-efficient building construction, equipment and
27 renovation.

28 (V) AN AMOUNT NOT TO EXCEED \$45,000,000 OF THE GROSS ←
29 RECEIPTS COLLECTED DURING EACH FISCAL YEAR UNDER ARTICLE
30 XI OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS

1 THE TAX REFORM CODE OF 1971, SHALL BE ANNUALLY
2 APPROPRIATED FROM THE GENERAL FUND TO THE AUTHORITY FOR
3 THE PROGRAMS ESTABLISHED UNDER THIS SUBSECTION.

4 § 1807. Authority indebtedness.

5 (a) General rule.--The authority shall have the power and is
6 authorized from time to time, by resolution of the authority and
7 subject to the written approval of the Governor, to issue its
8 negotiable bonds in such principal amount as, in the opinion of
9 the authority, shall be necessary to provide sufficient funds
10 for any of its corporate purposes, the establishment of reserves
11 to secure the bonds and all other expenditures of the authority
12 incident to and necessary or convenient to carry out its
13 corporate purposes and powers. The aggregate principal amount of
14 bonds and notes of the authority shall not exceed \$800,000,000
15 outstanding at any one time.

16 (b) Refund or renewal.--The authority, whenever it deems it
17 expedient, shall have the power to refund or renew any bonds by
18 the issuance of new bonds whether the bonds to be refunded or
19 renewed have or have not matured. Refunding bonds shall be sold
20 and the proceeds applied to the purchase, redemption or payment
21 of the bonds to be refunded.

22 (c) No personal liability.--Neither the members of the board
23 of the authority nor any person executing the bonds shall be
24 liable personally on the bonds or be subject to any personal
25 liability or accountability by reason of the issuance thereof.

26 (d) No Commonwealth debt.--Bonds issued under the provisions
27 of this chapter shall not be deemed to constitute a debt of the
28 Commonwealth or any political subdivision or a pledge of the
29 faith and credit of the Commonwealth or any political
30 subdivision.

1 (e) Bond requirements.--

2 (1) The bonds of the authority shall be of the series,
3 bear date or dates, mature at the time or times not exceeding
4 40 years from their respective dates, bear interest at the
5 rate or rates, payable at least semiannually, be in the
6 denominations, be in the form, either coupon or fully
7 registered without coupons, carry the registration,
8 exchangeability and interchangeability privileges, by payment
9 in medium of payment and at the place or places, be subject
10 to the terms of redemption, with or without premium, and be
11 entitled to the priorities in the revenue or receipts of the
12 authority as the resolution or resolutions of the authority
13 may provide.

14 (2) The bonds shall be signed by or shall bear the
15 facsimile signature of the officers the authority shall
16 determine, and coupon bonds shall have attached to the coupon
17 bond in interest coupons bearing the facsimile signature of
18 the chairman of the authority, all as may be prescribed in
19 the resolution or resolutions of the authority.

20 (3) Bonds may be issued and delivered, notwithstanding
21 that one or more of the officers signing the bonds shall have
22 ceased to be the officer or officers at the time when the
23 bonds shall actually be delivered.

24 (4) Bonds may be sold at public or private sales for the
25 price or prices as the authority shall determine. Pending the
26 preparation of the definitive bonds, interim receipts may be
27 issued to the purchaser or purchasers of the bonds and may
28 contain such terms and conditions as the authority may
29 determine.

30 (5) Any bond reciting in substance that it has been

1 issued by the authority to aid in the financing of one or
2 more projects to accomplish the public purposes of this
3 chapter shall be conclusively deemed in proceedings involving
4 the validity or enforceability of the bond or security for
5 the bond to have been issued for that purpose.

6 (f) Bond provisions.--A resolution or resolutions
7 authorizing bonds may contain provisions, which shall be part of
8 the contract with holders of the bonds, as to any of the
9 following:

10 (1) Pledging the full faith and credit of the authority.

11 (2) The terms and provisions of the bonds.

12 (3) Limitations on the purposes to which the proceeds of
13 the bonds then or from then on to be issued may be applied.

14 (4) The setting aside of reserves or sinking funds and
15 the regulation and disposition of the reserves or sinking
16 funds.

17 (5) Limitations on the issuance of additional bonds.

18 (6) The terms and provisions of any indenture under
19 which the bonds may be issued.

20 (7) Any other or additional agreements with the holders
21 of the bonds.

22 (g) Indentures and other agreements.--The authority may
23 enter into indentures or other agreements, with a bank or trust
24 company in or outside this Commonwealth, including a Federal
25 agency, and may assign and pledge all or any of the revenues or
26 receipts of the authority. The indenture or other agreement may
27 contain such provisions as may be customary in such instruments
28 or as the authority may authorize, including, but without
29 limitation, provisions as to:

30 (1) the application of funds and the safeguarding of

1 funds on hand or on deposit;

2 (2) the rights and remedies of the trustee and the
3 holders of the bonds, which may include restrictions upon the
4 individual right of action of the holders; and

5 (3) the terms and provisions of the bonds or any
6 additional bonds or the resolutions authorizing the issuance
7 of the bonds or additional bonds.

8 (h) Negotiable instruments.--The bonds shall have all the
9 qualities of negotiable instruments under 13 Pa.C.S. Div. 3
10 (relating to negotiable instruments).

11 (i) Rights and remedies.--The rights and remedies conferred
12 upon or granted to the bondholders shall be in addition to and
13 not in limitation of any rights and remedies lawfully granted to
14 the bondholders by the resolution or resolutions providing for
15 the issuance of bonds or by any indenture or other agreement
16 under which the bonds may be issued.

17 (j) Default.--In the event that the authority shall default
18 in the payment of principal or premium, if any, or interest on
19 any issue of bonds after the principal, premium or interest
20 shall become due, whether at maturity, upon call for redemption
21 or otherwise and the default shall continue for a period of 30
22 days, or in the event that the authority shall fail or refuse to
23 comply with the provisions of this chapter or shall default in
24 any agreement made with the holders of the bonds, the holders of
25 25% in aggregate principal amount of the bonds then outstanding
26 of the issues, by instrument or instruments filed in the Office
27 of the Prothonotary of the Commonwealth Court, may appoint a
28 trustee to represent the bondholders for the purposes provided
29 in this subsection. The trustee and any trustee under any
30 indenture or other agreement may, and upon written request of

1 the holders of 25% or other percentage as may be specified in
2 any indenture or other agreement, in principal amount of the
3 particular issues of bonds then outstanding shall, in the
4 trustee's own name:

5 (1) By mandamus or other suit, action or proceeding at
6 law or in equity, enforce all rights of the bondholders,
7 including the right to require the authority to carry out any
8 agreement as to or pledge of the revenues or receipts of the
9 authority and to require the authority to carry out any other
10 agreements with or for the benefit of the bondholders and to
11 perform its and their duties under this chapter.

12 (2) Bring suit upon the bonds.

13 (3) By action or suit in equity require the authority to
14 account as if it were the trustee of an express trust for the
15 bondholders.

16 (4) By action or suit in equity enjoin any acts or
17 things which may be unlawful or in violation of the rights of
18 the bondholders.

19 (5) By notice in writing to the authority, declare all
20 bonds due and payable and if all defaults shall be made good,
21 then with the consent of the holders of 25% or such other
22 percentage as may be specified in any indenture or other
23 agreement of the principal amount of bonds then outstanding,
24 to announce the declaration and its consequences.

25 (k) Jurisdiction.--The Commonwealth Court shall have
26 jurisdiction of any suit, action or proceeding by the trustee on
27 behalf of the bondholders.

28 (l) Trustee powers.--

29 (1) A trustee appointed by the court or trustee acting
30 under an indenture or other agreement, and whether or not all

1 bonds have been declared due and payable, shall be entitled
2 as of right to the appointment of a receiver, who may
3 exercise dominion over the mortgages or other security held
4 by or available to the authority or any part of the
5 authority, the revenues or receipts from which are or may be
6 applicable to the payment of the bonds so in default, and
7 collect and receive all revenues arising after default from
8 the bonds in the same manner as the authority might do and
9 shall deposit all money in a separate account and apply the
10 same in the manner as the court shall direct.

11 (2) In any suit, action or proceeding by a trustee, the
12 fees, the counsel fees and expenses of the trustee and of the
13 receiver, if any, and all costs and disbursements allowed by
14 the court shall be a first charge on any revenues and
15 receipts derived from the mortgages of the authority or other
16 security held by or available to the authority, the revenues
17 or receipts from which are or may be applicable to the
18 payment of the bonds in default.

19 (3) A trustee shall also have all of the power necessary
20 or appropriate for the exercise of any function specifically
21 set forth in this section, in any indenture or other
22 agreement or incident to the general representation of the
23 bondholders in the enforcement and protection of their
24 rights.

25 § 1808. Financial assistance.

26 (a) General rule.--When it has been determined by the
27 authority, upon application and hearing in the manner provided
28 in this section, that the granting of financial assistance will
29 accomplish the public purposes of this chapter, the authority
30 may contract to make financial assistance available in an amount

1 not in excess of the cost of the project.

2 (b) Confirmation of other funding.--Prior to committing
3 itself to provide financial assistance under this section, the
4 authority shall have determined that the person requesting the
5 assistance has obtained from other responsible and independent
6 sources, including the Federal Government, banks, savings and
7 loan associations or otherwise, a firm commitment for all other
8 funds, over and above the amount of financial assistance
9 requested from the authority, which in the aggregate shall be
10 sufficient to cover the entire cost of the project.

11 (c) Time period and interest.--Any loan, lease, sale,
12 guarantee or other agreement with response to a project shall be
13 for the period of time and shall bear interest at the rate as
14 shall be determined by the authority and may be secured by
15 mortgage on and security interest in the project which the loan,
16 lease, guarantee or other sale agreement relates, or with
17 respect to any other property of the obligor, or any other
18 security which the authority determines to be necessary.

19 (d) Manner of payment.--Money made available for projects by
20 the authority shall be withdrawn from the appropriate funds and
21 paid over to the obligor in the manner provided and prescribed
22 by the resolutions, rules and regulations of the authority, the
23 loan, lease, sale, guarantee or other agreement and the
24 indenture or agreement of trust, if any, relating to the
25 project.

26 (e) Deposit in appropriate funds.--All payments of interest
27 on funds made available for projects and the principal amount
28 shall be deposited by or on behalf of the authority in the
29 appropriate funds.

30 (f) Application form.--Prior to disbursing any funds for, or

1 committing itself to guarantee any indebtedness relating to, or
2 providing technical assistance for a project, the authority
3 shall receive an application in the form and having the content
4 the authority may prescribe from the person seeking the
5 assistance.

6 § 1809. Energy development plan.

7 (a) Contents.--In order to devise the most effective
8 strategy for providing the financial and technical assistance
9 authorized in this chapter, the authority shall publish by
10 August 15, 1983, a plan for the allocation and distribution of
11 financial and technical assistance. The energy development plan
12 shall do all of the following:

13 (1) Place maximum reliance upon allocation and
14 distribution strategies that exploit the use of other
15 available Federal, State, local and private financial
16 support.

17 (2) Allocate appropriated authority funds, money made
18 available from payment of principal and interest received by
19 the authority not otherwise payable to other creditors or
20 bondholders and other funds available to the authority to
21 projects whose likelihood or implementation would be
22 diminished unless financial and technical assistance from the
23 authority is made available.

24 (3) Provide for the approval of assistance for projects
25 that will make the greatest possible contributions to energy
26 conservation and development.

27 (4) Provide financial and technical assistance only to
28 persons with a demonstrated need and who evidence reasonable
29 likelihood of being able, in the case of loans and loan
30 guarantees, to repay the loans.

1 (5) Identify the various classes of projects to be
2 provided with financial and technical assistance and allocate
3 available authority funds among these classes. Specifically,
4 the authority shall consider increasing coal production and
5 the use of renewable fuels and in energy efficiency in
6 buildings and industry in establishing its priorities.

7 (6) Establish application procedures and criteria for
8 granting financial and technical assistance.

9 (7) Establish procedures for the periodic updating and
10 revision of the energy development plan.

11 (b) Public hearings.--The authority shall hold public
12 hearings at locations throughout this Commonwealth to receive
13 comments upon and suggestions for the improvement of the energy
14 development plan. These hearings shall be concluded within 90
15 days of the publication of the initial plan. Not more than 90
16 days following the completion of hearings, the authority shall
17 promulgate its final energy development plan.

18 § 1810. Exemption from taxation.

19 (a) Exemption.--The effectuation of the authorized purposes
20 of the authority is for the benefit of the people of this
21 Commonwealth and since the authority will as a government
22 instrumentality of the Commonwealth be performing essential
23 government functions in effectuating the purposes, the bonds or
24 other evidences of indebtedness issued by the authority, their
25 transfer and the income from the bonds shall at all times be
26 free from taxation within this Commonwealth.

27 (b) Interest on certain bonds.--The authority may covenant
28 and consent that the interest on certain of its bonds shall be
29 includable, under the Internal Revenue Code of 1986 (Public Law
30 99-514, 26 U.S.C. § 1 et seq.) or any subsequent corresponding

1 internal revenue laws of the United States, in the gross income
2 of the holders of the bonds to the same extent and in the same
3 manner that the interest on bills, bonds, notes or other
4 obligations of the United States is includable in the gross
5 income of the holders thereof under the Internal Revenue Code of
6 1986. Notwithstanding any covenant or consent of the authority,
7 the exemption provided in subsection (a) shall not be affected.
8 § 1811. Funding of authority.

9 (a) Energy Development Fund.--A special account is hereby
10 created in the State Treasury to be known as the Energy
11 Development Fund. The fund shall be used to prepare the energy
12 development plan, to pay for initial administrative costs
13 associated with initial bond issues, to make grants for limited
14 research and pursuant to this chapter to establish such reserves
15 as in the judgment of the authority with respect to loans
16 guaranteed or bonds issued by the authority may be necessary or
17 desirable or to accomplish any other of its corporate purposes.

18 (b) Administrative costs.--As often as may be necessary, the
19 authority shall requisition from the appropriate funds the
20 amounts necessary to provide adequate funds for the payment of
21 the administrative costs related to this chapter.

22 (c) Excess funds.--At any time that the authority shall
23 determine that funds held for the credit of the Energy
24 Development Fund are in excess of the amount needed to carry out
25 the purposes of this chapter, the authority shall take such
26 action as shall be required to release the excess from the fund
27 and transfer the same to the General Fund of the State Treasury.

28 § 1812. Limitation of powers.

29 The Commonwealth pledges to and agrees with any person or
30 Federal agency subscribing to or acquiring the bonds to be

1 issued by the authority for the construction of any project or
2 part of the project, that the Commonwealth will not limit or
3 alter adversely the rights vested in the authority until all
4 bonds at any time issued, together with the interest, are fully
5 met and discharged. The Commonwealth further pledges to and
6 agrees with any Federal agency that if the Federal agency shall
7 construct or contribute funds for the construction of any
8 project or any portion of the project, the Commonwealth will not
9 alter or limit the rights and powers of the authority in any
10 manner that would be inconsistent with the continued maintenance
11 and operation of any project or the improvement of the project,
12 or that would be inconsistent with the due performance of any
13 agreements between the authority and the Federal agency, and the
14 authority shall continue to have and may exercise all powers
15 granted under this chapter, as long as the same shall be
16 necessary or desirable for carrying out the purposes of this
17 chapter and the purposes of the United States pertaining to the
18 construction, acquisition or improvement of any project or
19 portion of the project.

20 § 1813. Audit.

21 The accounts and books of the authority, including its
22 receipts, disbursements, contracts, mortgages, investments and
23 other matters relating to its finances, operation and affairs
24 shall be examined and audited every two years by the Auditor
25 General.

26 Section 4. The following apply:

27 (1) The General Assembly declares that the repeal under
28 paragraph (2) is necessary to effectuate the addition of 64
29 Pa.C.S. Ch. 18.

30 (2) Article XXVIII-C of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929,
2 is repealed.

3 Section 5. The addition of 64 Pa.C.S. Ch. 18 is a
4 continuation of Article XXVIII-C of the act of April 9, 1929
5 (P.L.177, No.175), known as The Administrative Code of 1929. The
6 following apply:

7 (1) Except as otherwise provided in 64 Pa.C.S. Ch. 18,
8 all activities initiated under Article XXVIII-C of The
9 Administrative Code of 1929 shall continue and remain in full
10 force and effect and may be completed under 64 Pa.C.S. Ch.
11 18. Orders, regulations, rules and decisions which were made
12 under Article XXVIII-C of The Administrative Code of 1929 and
13 which are in effect on the effective date of section 2(2) of
14 this act shall remain in full force and effect until revoked,
15 vacated or modified under 64 Pa.C.S. Ch. 18. Contracts,
16 obligations and collective bargaining agreements entered into
17 under Article XXVIII-C of The Administrative Code of 1929 are
18 not affected nor impaired by the repeal of Article XXVIII-C
19 of The Administrative Code of 1929.

20 (2) Except as set forth in paragraph (3), any difference
21 in language between 64 Pa.C.S. Ch. 18 and Article XXVIII-C of
22 The Administrative Code of 1929 is intended only to conform
23 to the style of the Pennsylvania Consolidated Statutes and is
24 not intended to change or affect the legislative intent,
25 judicial construction or administration and implementation of
26 Article XXVIII-C of The Administrative Code of 1929.

27 (3) Paragraph (2) does not apply to the following
28 provisions:

29 (i) Paragraphs (3), (4) and (5) of the definition of
30 "project" in 64 Pa.C.S. § 1801.

- 1 (ii) 64 Pa.C.S. § 1802(d)(4).
- 2 (iii) 64 Pa.C.S. § 1803(b), (c), (d) and (e).
- 3 (iv) 64 Pa.C.S. § 1806(2), (14), (19), (20) and
- 4 (21).
- 5 (v) 64 Pa.C.S. § 1807 (a) and (c).
- 6 (VI) 64 PA.C.S. § 1809(A). ←
- 7 ~~(vi)~~ (VII) 64 Pa.C.S. § 1811(a). ←

8 Section 6. Upon dedication of funding by the General
 9 Assembly pursuant to 64 Pa.C.S. § 1515, the State Treasurer
 10 shall publish a notice to that effect in the Pennsylvania
 11 Bulletin.

12 Section 7. This act shall take effect as follows:

- 13 (1) This section and section 6 of this act shall take
- 14 effect immediately.
- 15 (2) The remainder of this act shall take effect upon
- 16 publication of the notice required by section 6 of this act.