

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 832 Session of 2023

INTRODUCED BY YAW, LAUGHLIN, LANGERHOLC, AUMENT, VOGEL, CULVER AND BAKER, JUNE 20, 2023

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, DECEMBER 12, 2023

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, establishing
3 the Independent Energy Office.

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

6 Section 1. Part V of Title 71 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 INDEPENDENT ENERGY OFFICE

10 Sec.

11 4301. Definitions.

12 4302. Office established.

13 4303. Duties of office.

14 4304. Committee.

15 4305. Appointment.

16 4306. Powers and duties of director.

17 4307. Records.

18 4308. ACCESS TO INFORMATION.

1 § 4301. Definitions.

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

5 "Committee." The Independent Energy Office Selection and
6 Organization Committee.

7 "COMMONWEALTH AGENCY." ANY OFFICE, DEPARTMENT, AUTHORITY, <--
8 BOARD, MULTISTATE AGENCY OR COMMISSION OF THE EXECUTIVE BRANCH.

9 THE TERM INCLUDES:

10 (1) THE GOVERNOR'S OFFICE.

11 (2) THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF
12 THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

13 (3) AN INDEPENDENT AGENCY AS DEFINED IN 62 PA.C.S. § 103
14 (RELATING TO DEFINITIONS).

15 (4) A STATE-AFFILIATED ENTITY AS DEFINED IN 62 PA.C.S. §
16 103.

17 (5) THE GENERAL ASSEMBLY.

18 (6) THE UNIFIED JUDICIAL SYSTEM.

19 "Director." The Director of the Independent Energy Office.

20 "Office." The Independent Energy Office established under
21 section 4302 (relating to office established).

22 § 4302. Office established.

23 The Independent Energy Office is established as a nonpartisan
24 independent agency.

25 § 4303. Duties of office.

26 (a) Mandatory.--The office shall:

27 (1) Plan recommendations that cover coal, natural gas
28 and oil, electric power, energy efficiency, solar, wind,
29 hydro, geothermal, biomass, landfill gas and, renewable <--
30 natural gas, NUCLEAR AND OTHER ENERGY TECHNOLOGIES. <--

1 (2) Analyze policies, regulations and laws that relate
2 to energy generation, production or distribution.

3 (3) Provide at least one Statewide energy report each
4 legislative session presented to the General Assembly.

5 (4) Formulate and review the use of fossil, renewable
6 and energy efficiency initiatives designed to advance energy
7 resource development opportunities and provide energy
8 services to businesses, communities and homeowners in this
9 Commonwealth.

10 (b) Discretionary.--The office may:

11 (1) Provide independent studies on other State energy
12 policies to recommend to the Commonwealth.

13 (2) Track energy use, production and generation
14 statistics from year to year.

15 (3) Work with the General Assembly to establish a
16 Statewide energy plan.

17 § 4304. Committee.

18 The Independent Energy Office Selection and Organization
19 Committee is established within the office. The committee shall
20 create and publish qualifications for director of the office.

21 The committee shall consist of the following members:

22 (1) The President pro tempore of the Senate.

23 (2) The Speaker of the House of Representatives.

24 (3) The Majority Leader of the Senate.

25 (4) The Minority Leader of the Senate.

26 (5) The Majority Leader of the House of Representatives.

27 (6) The Minority Leader of the House of Representatives.

28 (7) The chairperson of the Environmental Resources and
29 Energy Committee of the Senate.

30 (8) The minority chairperson of the Environmental

1 Resources and Energy Committee of the Senate.

2 (9) The chairperson of the Environmental Resources and
3 Energy Committee of the House of Representatives.

4 (10) The minority chairperson of the Environmental
5 Resources and Energy Committee of the House of
6 Representatives.

7 § 4305. Appointment.

8 (a) Director.--The office shall be headed by a director
9 appointed by the committee by May 30, 2025. The appointment
10 shall be made without regard to political affiliation and solely
11 on the basis of fitness to perform the duties of the office
12 based on qualifications published by the committee.

13 (b) Deputy director.--The director shall appoint a deputy
14 director who shall perform such duties as assigned by the
15 director and who shall, during the absence or incapacity of the
16 director or a vacancy, act as the director.

17 (c) Term.--The term of office of the director shall be six
18 years. An individual appointed as director to fill a vacancy
19 prior to the expiration of a term shall serve only for the
20 unexpired portion of that term. An individual serving as
21 director at the expiration of a term may continue to serve until
22 a successor is appointed.

23 (d) Removal.--The director may be removed by a concurrent
24 resolution passed by the Senate and the House of
25 Representatives.

26 § 4306. Powers and duties of director.

27 (a) Personnel.--The director shall appoint and fix the
28 compensation of personnel as necessary to carry out the duties
29 and functions of the office. All personnel of the office shall
30 be appointed without regard to political affiliation and solely

1 on the basis of their fitness to perform their duties.

2 (b) Experts and consultants.--In carrying out the duties and
3 functions of the office, the director may procure the temporary
4 or intermittent services of attorneys, experts or consultants or
5 organization thereof by contract.

6 § 4307. Records.

7 The office shall be a legislative agency for purposes of the
8 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
9 Know Law.

10 § 4308. ACCESS TO INFORMATION.

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11 THE DIRECTOR SHALL SECURE INFORMATION, DATA, REPORTS,
12 STATISTICS OR OTHER RELEVANT INFORMATION FROM A COMMONWEALTH
13 AGENCY OR POLITICAL SUBDIVISION. A COMMONWEALTH AGENCY OR
14 POLITICAL SUBDIVISION SHALL SUBMIT TO THE DIRECTOR INFORMATION
15 WITHIN A REASONABLE AMOUNT OF TIME OF THE REQUEST TO ASSIST THE
16 DIRECTOR IN THE PERFORMANCE OF THE DUTIES OF THE OFFICE, OTHER
17 THAN MATERIAL, THE DISCLOSURE OF WHICH WOULD BE A VIOLATION OF
18 THE LAW.

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