

1 HB128
2 116495-2
3 By Representative Wren
4 RFD: Government Appropriations
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

1 ENGROSSED

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4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 Relating to the development of an integrated and
9 comprehensive state policy on energy for Alabama; to create
10 the Permanent Joint Legislative Committee on Energy Policy for
11 the purpose of developing an ongoing state energy study and
12 energy plan; to provide for the membership of the committee
13 and the initial committee membership as organized pursuant to
14 Act 2007-150, HJR 152, 2007 Regular Session; to provide
15 specific duties of the committee relating to the formulation
16 of the ongoing state energy plan; to provide for the hiring of
17 a staff and the creation of the Legislative Energy Policy
18 Office to supervise and administer the duties of the
19 committee; to provide for the formation, duties, and reporting
20 of advisory subcommittees; to provide for legislative
21 assistance for the committee and reimbursement of committee
22 and subcommittee meeting expenses; and to provide for specific
23 goals and objectives of the committee and for the reporting of
24 recommendations.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The Legislature makes the following
2 findings and statements:

3 (1) The reduction of the dependence on foreign oil
4 is necessary to preserve and protect our national security.

5 (2) Reliable, plentiful, and affordable energy and
6 the effective distribution of energy are vital to the support
7 and growth of all sectors of Alabama's economy.

8 (3) The future energy needs of the state also
9 present unique opportunities to diversify the state's energy
10 supply and provide new opportunities for agriculturally based
11 products and Alabama based clean energy technologies.

12 (4) Energy derived from agriculturally and forest
13 based products offers the potential to expand rural and
14 economic development in Alabama.

15 (5) Increasing the efficiency of existing technology
16 combined with the development of new technologies, including
17 coal gasification, coal liquification, advanced coal-based
18 generation, and nuclear power, should be encouraged as ways of
19 producing more energy with reduced emissions.

20 (6) An integrated and comprehensive state policy on
21 energy is absolutely necessary to identify, address, and
22 provide for the future energy needs of the state.

23 Section 2. The Permanent Joint Legislative Committee
24 on Energy Policy is created for the purpose of developing the
25 Alabama Energy Plan to recommend to the Governor and the
26 Legislature courses of action to address the state's long-term

1 and short-term energy challenges. The plan shall include,
2 without limitation, recommendations relating to oil and gas
3 production and future oil and gas development that are found
4 both onshore and offshore in Alabama, as well as renewable and
5 alternative energy sources.

6 Section 3. (a) The committee shall be composed of
7 the following members:

8 (1) The Chair of the House Committee on Agriculture
9 and Forestry.

10 (2) The Chair of the House Commerce Committee.

11 (3) The Chair of the Senate Committee on
12 Agriculture, Conservation, and Forestry.

13 (4) The Chair of the House Government Appropriations
14 Committee.

15 (5) The Chair of the Senate Committee on Finance and
16 Taxation General Fund.

17 (6) The Chair of the Senate Committee on Commerce,
18 Transportation, and Utilities.

19 (7) The Chair of the Senate Committee on Energy and
20 Natural Resources.

21 (8) The Chair of the Permanent Oil and Gas Study
22 Committee.

23 (~~8~~ 9) Five members of the Houses of Representatives
24 appointed by the Speaker of the House of Representatives, all
25 of whom shall be appointees from the House of Representatives
26 to the Energy Council.

1 (~~9~~ 10) Two members of the Senate appointed by the
2 Lieutenant Governor, both of whom shall be appointees from the
3 Senate to the Energy Council.

4 (~~10~~ 11) Two members of the Senate appointed by the
5 President Pro Tempore of the Senate, both of whom shall be
6 appointees from the Senate to the Energy Council.

7 (b) To the extent possible, members of the committee
8 shall reflect the racial, ethnic, gender, geographic,
9 urban/rural, and economic diversity of the state.

10 (c) The committee shall meet at the call of the
11 chair or a majority of the members thereof, provided that the
12 committee shall meet at least once each four months.

13 (d) The committee may meet, act, and conduct its
14 business at any place within this state during the sessions of
15 the Legislature, or any recess thereof, and in the interim
16 period between sessions.

17 (e) Terms of service on the committee shall coincide
18 with the elected terms of the serving members. The initial
19 members appointed pursuant to Act 2007-150, HJR 152, 2007
20 Regular Session, shall continue to serve as appointed pursuant
21 to the act provided the member is qualified under subsection
22 (a).

23 (f) Beginning in January 2011, to serve in 2011 and
24 2012 and each 2 years thereafter, the committee shall elect
25 from among its members a chair and a vice chair.

1 Section 4. (a) With the assistance of the director
2 and staff of the Legislative Energy Policy Office, the
3 committee shall make a continuous study of the energy supply
4 for the state and make recommendations for legislation and
5 initiatives that will create the necessary institutional and
6 regulatory changes to accomplish the overall goals and
7 objectives of the Alabama Energy Plan in a manner that
8 benefits the economy and protects the environment.

9 (b) The Alabama Energy Plan shall be designed to
10 achieve the following goals and objectives:

11 (1) The expansion of diverse sources of fuels to be
12 used to meet Alabama's current and future energy needs through
13 each of the following methods:

14 a. Encouraging a diverse fuel mix among electric
15 supply generation that promotes reliability and minimizes
16 negative impacts that would result from electric power
17 shortages.

18 b. Promoting the production and use of ~~bioenergy~~
19 renewable energy, bioenergy, and clean alternative energy,
20 including coal gasification and liquification, advanced
21 coal-based generation, and nuclear power.

22 c. Promoting the production and use of bioenergy
23 from agriculturally and forest based products.

24 d. Broadening the diversity and decreasing the
25 negative environmental impact of fuels that meet Alabama's
26 transportation needs.

1 e. Expanding electric generation infrastructure
2 utilizing clean distributed energy resources, including, but
3 not limited to, natural gas, propane, fuel cells,
4 micro-turbines, combined heat and power and wind energy to the
5 extent that these technologies provide cost effective and
6 reliable energy sources.

7 (2) The development of conservation programs through
8 each of the following methods:

9 a. Identifying and promoting proven fuel and oil
10 conservation technologies that improve fuel efficiencies in
11 private fleets and state fleets.

12 b. Identifying and promoting business and
13 residential energy use reduction opportunities.

14 c. Increasing the usage of energy efficient products
15 and clean energy sources through the state procurement
16 process.

17 (3) Incorporating energy efficiency and conservation
18 into the design and operation of state buildings.

19 (4) Encouraging producers of clean energy
20 technologies and producers of energy efficient products to
21 locate their business operations in Alabama, through each of
22 the following methods:

23 a. Expanding the market for renewable and
24 alternative energy technologies in Alabama.

25 b. Increasing the number of producers and developers
26 of clean energy technologies located in Alabama.

1 c. Adopting incentives for new and existing
2 facilities in Alabama that produce energy from alternative and
3 renewable resources.

4 (c) The Alabama Energy Plan shall include the
5 following for each goal and objective:

6 (1) An identification of actions already in process.

7 (2) A prioritized list of recommended
8 non-legislative action items.

9 (3) Recommended legislative proposals.

10 (4) An identification of areas on which further
11 evaluation or research is recommended.

12 (d) The committee shall submit its recommendations
13 by the fifth legislative day of the ~~2010~~ 2011 Regular Session
14 and each regular session thereafter. The committee may make
15 additional recommendations and submit studies and reports to
16 the Legislature at any time.

17 (e) The committee is authorized to receive federal
18 and private grants, gifts, appropriations, and other public
19 and private funds related to energy policies and initiatives.

20 (f) The committee may employ a director and provide
21 for a Legislative Energy Policy Office. The director shall
22 serve at the pleasure of the committee and shall be
23 responsible directly to the committee for the general
24 supervision and execution of the work of the committee. The
25 committee shall fix the compensation of the director and
26 staff. Compensation for the director and staff shall be paid

1 from funds appropriated to the committee for that purpose. The
2 committee shall further designate the duties of the director
3 and staff. The director and staff of the office shall reflect
4 the racial, ethnic, gender, geographic, urban/rural, and
5 economic diversity of the state.

6 (g) The committee may maintain an office facility in
7 a location in Montgomery, Alabama, for the use of the director
8 and staff of the Legislative Energy Policy Office and may
9 acquire furniture, equipment, and supplies needed for the
10 operation of the office.

11 (h) The committee may employ personnel to staff the
12 Legislative Energy Policy Office and may enter contracts for
13 services needed by the committee. Personnel and contracted
14 service providers and consultants may include, but not be
15 limited to, technical advisors on such issues as alternative
16 energy technology, renewable energy technology, engineering,
17 environmental technology, and energy conservation, as well as
18 administrative, supervisory, and professional personnel as
19 necessary to carry out the goals, objectives, and duties of
20 the committee and the office.

21 Section 5. (a) The chair and vice chair of the
22 committee shall jointly create and appoint members to advisory
23 subcommittees, as provided in subsection (b), which shall
24 include members of the committee, representatives from
25 governmental agencies, and members of the public with interest
26 and expertise in the objectives of the committee. The

1 Commissioner of the Alabama Department of Agriculture and
2 Industries, or his or her designee, shall be a member of each
3 advisory subcommittee created. Each advisory subcommittee
4 shall be cochaired by one legislative member of the advisory
5 committee and one private sector member or governmental entity
6 member having significant knowledge, experience, and expertise
7 in the subject or subjects the subcommittee is responsible for
8 studying. Private sector cochairs of the advisory committees
9 shall reflect the racial, ethnic, gender, geographic,
10 urban/rural, and economic diversity of the state. The Alabama
11 Department of Economic and Community Affairs may make
12 recommendations to the chair and vice chair of the committee
13 for the appointment of members to each advisory subcommittee.

14 (b) The advisory subcommittees of the committee
15 shall be as follows:

- 16 (1) Biofuels and Alternative Fuels Subcommittee.
- 17 (2) Efficiency and Conservation Subcommittee.
- 18 (3) Environmental Issues Subcommittee.
- 19 (4) Infrastructure and Expansion Subcommittee.
- 20 (5) Renewable Power and Electric Generation
21 Subcommittee.
- 22 (6) Research and Development Subcommittee.
- 23 (7) Technology and Communications Subcommittee.
- 24 (8) The Incentives Subcommittee.

25 Section 6. The Secretary of the Senate, the Clerk of
26 the House of Representatives, and the advisory subcommittees

1 created herein shall provide any assistance as may be
2 necessary at the committee's request. Each legislative member
3 of the committee and each legislative member of a subcommittee
4 shall be entitled to his or her regular legislative
5 compensation, his or her per diem, and travel expenses for
6 each day he or she attends a meeting of the committee or a
7 subcommittee which shall be paid out of any funds appropriated
8 for the use of the Legislature upon warrants drawn by the
9 state Comptroller, upon requisitions signed by the committee's
10 chair, provided, however, that legislative members shall not
11 receive additional legislative compensation or per diem when
12 the Legislature is in session or if a member is being paid any
13 other payments on the same dates for attendance on other state
14 business. ~~Each non-legislative member of the committee and~~
15 ~~subcommittees may be reimbursed for expenses of attending~~
16 ~~meetings of the committee and subcommittees in accordance with~~
17 ~~the policies of the respective group or organization the~~
18 ~~member represents.~~ Each non-legislative member of the
19 subcommittees shall receive the same mileage and per diem as
20 allowed for state employees while attending meetings of the
21 committee and subcommittees.

22 Section 7. Annual expenses and compensation of the
23 committee from state funds shall not exceed ten thousand
24 dollars (\$10,000) per fiscal year.

25 Section 8. Act 2007-150, HJR152, 2007 Regular
26 Session, shall become null and void upon the effective date of

1 this act, except for provisions relating to the annual
2 expenses, compensation and governance of the committee which
3 shall continue in existence as provided by Act 2007-150 until
4 January 1, 2011.

5 Section 9. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Ap-
propriations 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 14-JAN-10

Read for the third time and passed
as amended 19-JAN-10

Yeas 96, Nays 0, Abstains 0

Greg Pappas
Clerk