

1 SB252  
2 115282-3  
3 By Senators Mitchell, Bedford, Means, Mitchem, and Penn  
4 RFD: Energy and Natural Resources  
5 First Read: 14-JAN-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

24 Section 2. The Permanent Joint Legislative Committee  
25 on Energy Policy is created for the purpose of developing the  
26 Alabama Energy Plan to recommend to the Governor and the  
27 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) Five members of the Houses of Representatives  
22 appointed by the Speaker of the House of Representatives, all  
23 of whom shall be appointees from the House of Representatives  
24 to the Energy Council and one of whom shall be a member of the  
25 minority party.

26 (9) Two members of the Senate appointed by the  
27 Lieutenant Governor, both of whom shall be appointees from the

1 Senate to the Energy Council and one of whom shall be a member  
2 of the minority party.

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

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

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

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

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

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

25 Section 4. (a) With the assistance of the director  
26 and staff of the Legislative Energy Policy Office, the  
27 committee shall make a continuous study of the energy supply

1 for the state and make recommendations for legislation and  
2 initiatives that will create the necessary institutional and  
3 regulatory changes to accomplish the overall goals and  
4 objectives of the Alabama Energy Plan in a manner that  
5 benefits the economy and protects the environment.

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

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

11 a. Encouraging a diverse fuel mix among electric  
12 supply generation that promotes reliability and minimizes  
13 negative impacts that would result from electric power  
14 shortages.

15 b. Promoting the production and use of renewable  
16 energy, bioenergy, and clean alternative energy, including  
17 coal gasification and liquification, advanced coal-based  
18 generation, and nuclear power.

19 c. Promoting the production and use of bioenergy  
20 from agriculturally and forest based products.

21 d. Broadening the diversity and decreasing the  
22 negative environmental impact of fuels that meet Alabama's  
23 transportation needs.

24 e. Expanding electric generation infrastructure  
25 utilizing clean distributed energy resources, including, but  
26 not limited to, natural gas, propane, fuel cells,  
27 micro-turbines, combined heat and power and wind energy to the

1 extent that these technologies provide cost effective and  
2 reliable energy sources.

3 (2) The development of conservation programs through  
4 each of the following methods:

5 a. Identifying and promoting proven fuel and oil  
6 conservation technologies that improve fuel efficiencies in  
7 private fleets and state fleets.

8 b. Identifying and promoting business and  
9 residential energy use reduction opportunities.

10 c. Increasing the usage of energy efficient products  
11 and clean energy sources through the state procurement  
12 process.

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

15 (4) Encouraging producers of clean energy  
16 technologies and producers of energy efficient products to  
17 locate their business operations in Alabama, through each of  
18 the following methods:

19 a. Expanding the market for renewable and  
20 alternative energy technologies in Alabama.

21 b. Increasing the number of producers and developers  
22 of clean energy technologies located in Alabama.

23 c. Adopting incentives for new and existing  
24 facilities in Alabama that produce energy from alternative and  
25 renewable resources.

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

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

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

4 (3) Recommended legislative proposals.

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

7 (d) The committee shall submit its recommendations  
8 by the fifth legislative day of the 2011 Regular Session and  
9 each regular session thereafter. The committee may make  
10 additional recommendations and submit studies and reports to  
11 the Legislature at any time.

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

15 (f) The committee may employ a director and provide  
16 for a Legislative Energy Policy Office. The director shall  
17 serve at the pleasure of the committee and shall be  
18 responsible directly to the committee for the general  
19 supervision and execution of the work of the committee. The  
20 committee shall fix the compensation of the director and  
21 staff. Compensation for the director and staff shall be paid  
22 from funds appropriated to the committee for that purpose. The  
23 committee shall further designate the duties of the director  
24 and staff. The director and staff of the office shall reflect  
25 the racial, ethnic, gender, geographic, urban/rural, and  
26 economic diversity of the state.



1 (g) The committee may maintain an office facility in  
2 a location in Montgomery, Alabama, for the use of the director  
3 and staff of the Legislative Energy Policy Office and may  
4 acquire furniture, equipment, and supplies needed for the  
5 operation of the office.

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

16 Section 5. (a) The chair and vice chair of the  
17 committee shall jointly create and appoint members to advisory  
18 subcommittees, as provided in subsection (b), which shall  
19 include members of the committee, representatives from  
20 governmental agencies, and members of the public with interest  
21 and expertise in the objectives of the committee. The  
22 Commissioner of the Alabama Department of Agriculture and  
23 Industries, or his or her designee, shall be a member of each  
24 advisory subcommittee created. Each advisory subcommittee  
25 shall be cochaired by one legislative member of the advisory  
26 committee and one private sector member or governmental entity  
27 member having significant knowledge, experience, and expertise

1 in the subject or subjects the subcommittee is responsible for  
2 studying. Private sector cochairs of the advisory committees  
3 shall reflect the racial, ethnic, gender, geographic,  
4 urban/rural, and economic diversity of the state. The Alabama  
5 Department of Economic and Community Affairs may make  
6 recommendations to the chair and vice chair of the committee  
7 for the appointment of members to each advisory subcommittee.

8 (b) The advisory subcommittees of the committee  
9 shall be as follows:

10 (1) Biofuels and Alternative Fuels Subcommittee.

11 (2) Efficiency and Conservation Subcommittee.

12 (3) Environmental Issues Subcommittee.

13 (4) Infrastructure and Expansion Subcommittee.

14 (5) Renewable Power and Electric Generation  
15 Subcommittee.

16 (6) Research and Development Subcommittee.

17 (7) Technology and Communications Subcommittee.

18 (8) The Incentives Subcommittee.

19 Section 6. The Secretary of the Senate, the Clerk of  
20 the House of Representatives, and the advisory subcommittees  
21 created herein shall provide any assistance as may be  
22 necessary at the committee's request. Each legislative member  
23 of the committee and each legislative member of a subcommittee  
24 shall be entitled to his or her regular legislative  
25 compensation, his or her per diem, and travel expenses for  
26 each day he or she attends a meeting of the committee or a  
27 subcommittee which shall be paid out of any funds appropriated

1 for the use of the Legislature upon warrants drawn by the  
2 state Comptroller, upon requisitions signed by the committee's  
3 chair, provided, however, that legislative members shall not  
4 receive additional legislative compensation or per diem when  
5 the Legislature is in session or if a member is being paid any  
6 other payments on the same dates for attendance on other state  
7 business. Each non-legislative member of the committee and  
8 subcommittees may be reimbursed for expenses of attending  
9 meetings of the committee and subcommittees in accordance with  
10 the policies of the respective group or organization the  
11 member represents.

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

15 Section 8. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Energy and Natural Resources .....	14-JAN-10
Read for the second time and placed on the calen- dar 1 amendment .....	19-JAN-10
Read for the third time and passed as amended ...	09-MAR-10

Yeas 35  
Nays 0

McDowell Lee  
Secretary