

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

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2 ENROLLED, An Act,

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

4 (3) The future energy needs of the state also
5 present unique opportunities to diversify the state's energy
6 supply and provide new opportunities for agriculturally based
7 products and Alabama based clean energy technologies.

8 (4) Energy derived from agriculturally and forest
9 based products offers the potential to expand rural and
10 economic development in Alabama.

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

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

19 Section 2. The Permanent Joint Legislative Committee
20 on Energy Policy is created for the purpose of developing the
21 Alabama Energy Plan to recommend to the Governor and the
22 Legislature courses of action to address the state's long-term
23 and short-term energy challenges. The plan shall include,
24 without limitation, recommendations relating to oil and gas
25 production and future oil and gas development that are found

1 both onshore and offshore in Alabama, as well as renewable and
2 alternative energy sources.

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

5 (1) The Chair of the House Committee on Agriculture
6 and Forestry.

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

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

10 (4) The Chair of the House Government Appropriations
11 Committee.

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

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

16 (7) The Chair of the Senate Committee on Energy and
17 Natural Resources.

18 (8) The Chair of the Permanent Oil and Gas Study
19 Committee.

20 (~~8~~ 9) Five members of the Houses of Representatives
21 appointed by the Speaker of the House of Representatives, all
22 of whom shall be appointees from the House of Representatives
23 to the Energy Council and one of whom shall be a member of the
24 minority party.

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 and one of whom shall be a member
4 of the minority party.

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

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

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

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

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

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

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

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

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

17 a. Encouraging a diverse fuel mix among electric
18 supply generation that promotes reliability and minimizes
19 negative impacts that would result from electric power
20 shortages.

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

1 c. Promoting the production and use of bioenergy
2 from agriculturally and forest based products.

3 d. Broadening the diversity and decreasing the
4 negative environmental impact of fuels that meet Alabama's
5 transportation needs.

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

12 (2) The development of conservation programs through
13 each of the following methods:

14 a. Identifying and promoting proven fuel and oil
15 conservation technologies that improve fuel efficiencies in
16 private fleets and state fleets.

17 b. Identifying and promoting business and
18 residential energy use reduction opportunities.

19 c. Increasing the usage of energy efficient products
20 and clean energy sources through the state procurement
21 process.

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

24 (4) Encouraging producers of clean energy
25 technologies and producers of energy efficient products to

1 locate their business operations in Alabama, through each of
2 the following methods:

3 a. Expanding the market for renewable and
4 alternative energy technologies in Alabama.

5 b. Increasing the number of producers and developers
6 of clean energy technologies located in Alabama.

7 c. Adopting incentives for new and existing
8 facilities in Alabama that produce energy from alternative and
9 renewable resources.

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

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

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

15 (3) Recommended legislative proposals.

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

18 (d) The committee shall submit its recommendations
19 by the fifth legislative day of the ~~2010~~ 2011 Regular Session
20 and each regular session thereafter. The committee may make
21 additional recommendations and submit studies and reports to
22 the Legislature at any time.

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

1 (f) The committee may employ a director and provide
2 for a Legislative Energy Policy Office. The director shall
3 serve at the pleasure of the committee and shall be
4 responsible directly to the committee for the general
5 supervision and execution of the work of the committee. The
6 committee shall fix the compensation of the director and
7 staff. Compensation for the director and staff shall be paid
8 from funds appropriated to the committee for that purpose. The
9 committee shall further designate the duties of the director
10 and staff. The director and staff of the office shall reflect
11 the racial, ethnic, gender, geographic, urban/rural, and
12 economic diversity of the state.

13 (g) The committee may maintain an office facility in
14 a location in Montgomery, Alabama, for the use of the director
15 and staff of the Legislative Energy Policy Office and may
16 acquire furniture, equipment, and supplies needed for the
17 operation of the office.

18 (h) The committee may employ personnel to staff the
19 Legislative Energy Policy Office and may enter contracts for
20 services needed by the committee. Personnel and contracted
21 service providers and consultants may include, but not be
22 limited to, technical advisors on such issues as alternative
23 energy technology, renewable energy technology, engineering,
24 environmental technology, and energy conservation, as well as
25 administrative, supervisory, and professional personnel as

1 necessary to carry out the goals, objectives, and duties of
 2 the committee and the office.

3 Section 5. (a) The chair and vice chair of the
 4 committee shall jointly create and appoint members to advisory
 5 subcommittees, as provided in subsection (b), which shall
 6 include members of the committee, representatives from
 7 governmental agencies, and members of the public with interest
 8 and expertise in the objectives of the committee. The
 9 Commissioner of the Alabama Department of Agriculture and
 10 Industries, or his or her designee, shall be a member of each
 11 advisory subcommittee created. Each advisory subcommittee
 12 shall be cochaired by one legislative member of the advisory
 13 committee and one private sector member or governmental entity
 14 member having significant knowledge, experience, and expertise
 15 in the subject or subjects the subcommittee is responsible for
 16 studying. Private sector cochairs of the advisory committees
 17 shall reflect the racial, ethnic, gender, geographic,
 18 urban/rural, and economic diversity of the state. The Alabama
 19 Department of Economic and Community Affairs may make
 20 recommendations to the chair and vice chair of the committee
 21 for the appointment of members to each advisory subcommittee.

22 (b) The advisory subcommittees of the committee
 23 shall be as follows:

- 24 (1) Biofuels and Alternative Fuels Subcommittee.
- 25 (2) Efficiency and Conservation Subcommittee.

1 (3) Environmental Issues Subcommittee.

2 (4) Infrastructure and Expansion Subcommittee.

3 (5) Renewable Power and Electric Generation
4 Subcommittee.

5 (6) Research and Development Subcommittee.

6 (7) Technology and Communications Subcommittee.

7 (8) The Incentives Subcommittee.

8 Section 6. The Secretary of the Senate, the Clerk of
9 the House of Representatives, and the advisory subcommittees
10 created herein shall provide any assistance as may be
11 necessary at the committee's request. Each legislative member
12 of the committee and each legislative member of a subcommittee
13 shall be entitled to his or her regular legislative
14 compensation, his or her per diem, and travel expenses for
15 each day he or she attends a meeting of the committee or a
16 subcommittee which shall be paid out of any funds appropriated
17 for the use of the Legislature upon warrants drawn by the
18 state Comptroller, upon requisitions signed by the committee's
19 chair, provided, however, that legislative members shall not
20 receive additional legislative compensation or per diem when
21 the Legislature is in session or if a member is being paid any
22 other payments on the same dates for attendance on other state
23 business. ~~Each non-legislative member of the committee and~~
24 ~~subcommittees may be reimbursed for expenses of attending~~
25 ~~meetings of the committee and subcommittees in accordance with~~

1 ~~the policies of the respective group or organization the~~
2 ~~member represents.~~ Each non-legislative member of the
3 subcommittees shall receive the same mileage and per diem as
4 allowed for state employees while attending meetings of the
5 committee and subcommittees.

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

9 Section 8. Act 2007-150, HJR152, 2007 Regular
10 Session, shall become null and void upon the effective date of
11 this act, except for provisions relating to the annual
12 expenses, compensation and governance of the committee which
13 shall continue in existence as provided by Act 2007-150 until
14 January 1, 2011.

15 Section 9. 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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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 19-JAN-10, as amended.

Greg Pappas
Clerk

Senate	09-MAR-10	Amended and Passed
House	11-MAR-10	Concurred in Sen- ate Amendment