

1 SB158  
2 173093-4  
3 By Senator Ward  
4 RFD: Transportation and Energy  
5 First Read: 09-FEB-17

1 SB158

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 29-2-270, 29-2-271, 29-2-272,  
12 29-2-273, 29-2-274, and 29-2-275, Code of Alabama 1975,  
13 relating to the Permanent Joint Legislative Committee on  
14 Energy Policy; to revise the membership of the committee; to  
15 delete the requirement that the committee develop an Alabama  
16 Energy Plan; to limit the reporting of the committee; to  
17 delete authorization for the committee to create and staff a  
18 Legislative Energy Policy Office; and to authorize the  
19 committee to form advisory subcommittees as needed.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 29-2-270, 29-2-271, 29-2-272,  
22 29-2-273, 29-2-274, and 29-2-275 of the Code of Alabama 1975,  
23 are amended to read as follows:

24 "§29-2-270.

25 "The Legislature makes the following findings and  
26 statements:

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

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

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

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

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

18          "(6) ~~An integrated and comprehensive state policy on~~  
19 ~~energy~~ Continuing study is absolutely necessary to identify,  
20 address, and provide for the future energy needs of the state.

21           "§29-2-271.

22          "The Permanent Joint Legislative Committee on Energy  
23 Policy is created for the purpose of ~~developing the Alabama~~  
24 ~~Energy Plan to recommend~~ recommending to the Governor and the  
25 Legislature courses of action to address the state's long-term  
26 and short-term energy challenges. The ~~plan~~ recommendations of  
27 the committee shall include, without limitation,

1 recommendations relating to oil and gas production and future  
2 oil and gas development that are found both onshore and  
3 offshore in Alabama, as well as renewable and alternative  
4 energy sources.

5 "§29-2-272.

6 "(a) The committee shall be composed of the  
7 following members:

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

10 "(2) The Chair of the House ~~Commerce~~ Committee on  
11 Transportation, Utilities, and Infrastructure.

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

14 "~~(4) The Chair of the House Government~~  
15 ~~Appropriations Committee.~~

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

18 "~~(6)~~ (4) The Chair of the Senate Committee on  
19 ~~Commerce,~~ Transportation, and ~~Utilities~~ Energy.

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

22 "~~(8)~~ (5) The Chair of the Permanent Oil and Gas Study  
23 Committee.

24 "~~(9) Five~~ (6) Four members of the Houses members of  
25 the House of Representatives appointed by the Speaker of the  
26 House of Representatives, ~~all~~ three of whom shall be  
27 appointees from the House of Representatives to the Energy

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

3 ~~"(10)~~ (7) Two members of the Senate appointed by the  
4 Lieutenant Governor, both of whom shall be appointees from the  
5 Senate to the Energy Council and one of whom shall be a member  
6 of the minority party.

7 ~~"(11)~~ (8) Two members of the Senate appointed by the  
8 President Pro Tempore of the Senate, both of whom shall be  
9 appointees from the Senate to the Energy Council and one of  
10 whom shall be a member of the minority party.

11 "(b) To the extent possible, members of the  
12 committee shall reflect the racial, ethnic, gender,  
13 geographic, urban/rural, and economic diversity of the state.

14 "(c) The committee shall meet at the call of the  
15 chair or a majority of the members thereof, provided that the  
16 committee shall meet at least once each ~~four~~ six months.

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

21 "(e) Members of the committee may participate in a  
22 meeting of the committee or any advisory subcommittee of the  
23 committee by means of telephone conference, video conference,  
24 or similar communications equipment by means of which all  
25 persons participating in the meeting may hear each other at  
26 the same time. Participation by such means shall constitute  
27 presence in person at a meeting for all purposes. However, a

1 majority of a quorum of the members of the committee or  
2 advisory subcommittee shall be physically present at the  
3 location noticed and called for the meeting in order to  
4 conduct any business or deliberation. Members of the committee  
5 and any advisory subcommittees of the committee may not  
6 utilize electronic communications except as in compliance with  
7 the Alabama Open Meetings Act. Except for emergency meetings,  
8 notice of committee meetings shall be provided in accordance  
9 with the Alabama Open Meetings Act and telephone or video  
10 conference or similar communications equipment shall also  
11 allow members of the public the opportunity to simultaneously  
12 listen to or observe such meetings.

13 ~~"(e)(f) Terms of service on the committee shall~~  
14 ~~coincide with the elected terms of the serving members. The~~  
15 ~~initial members appointed pursuant to Act 2007-150, HJR152,~~  
16 ~~2007 Regular Session, shall continue to serve as appointed~~  
17 ~~pursuant to that act provided the member is qualified under~~  
18 ~~subsection (a).~~

19 ~~"(f) Beginning in January 2011, to serve in 2011 and~~  
20 ~~2012, (g) Commencing with the first meeting of the committee~~  
21 ~~called after the effective date of the act amending this~~  
22 ~~subsection, and each two years thereafter, the committee shall~~  
23 ~~elect from among its members a chair and a vice chair.~~

24 "§29-2-273.

25 "(a) ~~With the assistance of the director and staff~~  
26 ~~of the Legislative Energy Policy Office, the~~ The committee  
27 shall make a continuous study of the energy supply for the

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

6 "(b) The ~~Alabama Energy Plan~~ continuing study  
7 conducted by the committee, and recommendations submitted to  
8 the Governor and the Legislature, shall be designed to achieve  
9 the following goals and objectives, provided that such goals  
10 and objectives may be met while still providing reliable and  
11 affordable energy to Alabama residents:

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

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

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

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

25 "d. Broadening the diversity and decreasing the  
26 negative environmental impact of fuels that meet Alabama's  
27 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, and combined heat and power ~~and wind energy~~ to  
5 the extent that these technologies provide cost effective and  
6 reliable energy sources.

7            "(2) The development of conservation programs  
8 through 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  
15 products and clean energy sources through the state  
16 procurement process.

17           "(3) Incorporating energy efficiency and  
18 conservation 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  
26 developers 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~~ Any report submitted to  
5 the Governor or the Legislature by the committee shall include  
6 the following for each goal and objective:

7            "(1) An identification of actions already in  
8 process.

9            "(2) A prioritized list of recommended  
10 non-legislative action items.

11            "(3) Recommended legislative proposals.

12            "(4) An identification of areas on which further  
13 evaluation or research is recommended.

14            "(d) The committee ~~shall~~ may submit its  
15 recommendations ~~by the fifth legislative day of the 2011~~  
16 ~~Regular Session, and each regular session thereafter. The~~  
17 ~~committee may make additional recommendations and submit~~  
18 ~~studies and reports to the Legislature at any time~~ to the  
19 Legislature at any time that the Legislature is in regular  
20 session.

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

26            ~~"(f) The committee may employ a director and provide~~  
27 ~~for a Legislative Energy Policy Office. The director shall~~

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

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

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

26 ~~"§29-2-274.~~

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

21           "~~(b) The advisory subcommittees of the committee~~  
22 ~~shall be as follows:~~

23           "~~(1) Biofuels and Alternative Fuels Subcommittee.~~

24           "~~(2) Efficiency and Conservation Subcommittee.~~

25           "~~(3) Environmental Issues Subcommittee.~~

26           "~~(4) Infrastructure and Expansion Subcommittee.~~

1                   "~~(5) Renewable Power and Electric Generation~~  
2                   ~~Subcommittee.~~

3                   "~~(6) Research and Development Subcommittee.~~

4                   "~~(7) Technology and Communications Subcommittee.~~

5                   "~~(8) The Incentives Subcommittee.~~

6                   "§29-2-275.

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

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 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 Transportation and Energy..... 09-FEB-17

Read for the second time and placed on the calen-  
dar 1 amendment..... 23-FEB-17

Read for the third time and passed as amended .... 16-MAR-17

Yeas 29  
Nays 0

Patrick Harris,  
Secretary.