

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

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8 SYNOPSIS: Under existing law, the Permanent Joint  
9 Legislative Committee on Energy Policy was created  
10 to develop the Alabama Energy Plan and to make  
11 recommendations to the Governor and the Legislature  
12 to address the state's long-term and short-term  
13 energy challenges.

14 This bill would revise the membership of the  
15 committee, delete the requirement that the  
16 committee develop the Alabama Energy Plan, limit  
17 the reporting of the committee, delete  
18 authorization for the committee to create and staff  
19 a Legislative Energy Policy Office, and would  
20 authorize the committee to form advisory  
21 subcommittees as needed.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To amend Sections 29-2-270, 29-2-271, 29-2-272,  
2           29-2-273, 29-2-274, and 29-2-275, Code of Alabama 1975,  
3           relating to the Permanent Joint Legislative Committee on  
4           Energy Policy; to revise the membership of the committee; to  
5           delete the requirement that the committee develop an Alabama  
6           Energy Plan; to limit the reporting of the committee; to  
7           delete authorization for the committee to create and staff a  
8           Legislative Energy Policy Office; and to authorize the  
9           committee to form advisory subcommittees as needed.

10          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11                 Section 1. Sections 29-2-270, 29-2-271, 29-2-272,  
12                 29-2-273, 29-2-274, and 29-2-275 of the Code of Alabama 1975,  
13                 are amended to read as follows:

14                         "§29-2-270.

15                         "The Legislature makes the following findings and  
16                         statements:

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

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

22                                 "(3) The future energy needs of the state also  
23                                 present unique opportunities to diversify the state's energy  
24                                 supply and provide new opportunities for agriculturally based  
25                                 products and Alabama based clean energy technologies.

1           "(4) Energy derived from agriculturally and forest  
2 based products offers the potential to expand rural and  
3 economic development in Alabama.

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

9           "~~An integrated and comprehensive state policy on~~  
10 ~~energy~~ Continuing study is absolutely necessary to identify,  
11 address, and provide for the future energy needs of the state.

12           "§29-2-271.

13           "The Permanent Joint Legislative Committee on Energy  
14 Policy is created for the purpose of ~~developing the Alabama~~  
15 ~~Energy Plan to recommend~~ recommending to the Governor and the  
16 Legislature courses of action to address the state's long-term  
17 and short-term energy challenges. The ~~plan~~ recommendations of  
18 the committee shall include, without limitation,  
19 recommendations relating to oil and gas production and future  
20 oil and gas development that are found both onshore and  
21 offshore in Alabama, as well as renewable and alternative  
22 energy sources.

23           "§29-2-272.

24           "(a) The committee shall be composed of the  
25 following members:

26           "(1) The Chair of the House Committee on Agriculture  
27 and Forestry.

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

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

5           "~~(4) The Chair of the House Government~~  
6           ~~Appropriations Committee.~~

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

9           "~~(6)~~ (4) The Chair of the Senate Committee on  
10          ~~Commerce,~~ Transportation, ~~and Utilities~~ Energy.

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

13          "~~(8)~~ (5) The Chair of the Permanent Oil and Gas Study  
14          Committee.

15          "~~(9) Five~~ (6) Three members of the Houses of  
16          Representatives appointed by the Speaker of the House of  
17          Representatives, ~~all~~ two of whom shall be appointees from the  
18          House of Representatives to the Energy Council and one of whom  
19          shall be a member of the minority party.

20          "~~(10)~~ (7) Two members of the Senate appointed by the  
21          Lieutenant Governor, both of whom shall be appointees from the  
22          Senate to the Energy Council and one of whom shall be a member  
23          of the minority party.

24          "~~(11)~~ (8) Two members of the Senate appointed by the  
25          President Pro Tempore of the Senate, both of whom shall be  
26          appointees from the Senate to the Energy Council and one of  
27          whom shall be a member of the minority party.

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

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

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

11          "(e) Members of the committee may participate in a  
12      meeting of the committee or any advisory subcommittee of the  
13      committee by means of telephone conference, video conference,  
14      or similar communications equipment by means of which all  
15      persons participating in the meeting may hear each other at  
16      the same time. Participation by such means shall constitute  
17      presence in person at a meeting for all purposes. However, a  
18      majority of a quorum of the members of the committee or  
19      advisory subcommittee shall be physically present at the  
20      location noticed and called for the meeting in order to  
21      conduct any business or deliberation. Members of the committee  
22      and any advisory subcommittees of the committee may not  
23      utilize electronic communications except as in compliance with  
24      the Alabama Open Meetings Act. Except for emergency meetings,  
25      notice of committee meetings shall be provided in accordance  
26      with the Alabama Open Meetings Act and telephone or video  
27      conference or similar communications equipment shall also

1 allow members of the public the opportunity to simultaneously  
2 listen to or observe such meetings.

3 ~~"(e) (f)~~ Terms of service on the committee shall  
4 coincide with the elected terms of the serving members. ~~The~~  
5 ~~initial members appointed pursuant to Act 2007-150, HJR152,~~  
6 ~~2007 Regular Session, shall continue to serve as appointed~~  
7 ~~pursuant to that act provided the member is qualified under~~  
8 ~~subsection (a).~~

9 ~~"(f) Beginning in January 2011, to serve in 2011 and~~  
10 ~~2012,~~ (g) Commencing with the first meeting of the committee  
11 called after the effective date of the act amending this  
12 subsection, and each two years thereafter, the committee shall  
13 elect from among its members a chair and a vice chair.

14 "§29-2-273.

15 "(a) ~~With the assistance of the director and staff~~  
16 ~~of the Legislative Energy Policy Office, the~~ The committee  
17 shall make a continuous study of the energy supply for the  
18 state and make recommendations for legislation and initiatives  
19 that will create the necessary institutional and regulatory  
20 changes to accomplish the overall goals and objectives of the  
21 ~~Alabama Energy Plan~~ state in a manner that benefits the  
22 economy and protects the environment.

23 "(b) ~~The Alabama Energy Plan~~ continuing study  
24 conducted by the committee, and recommendations submitted to  
25 the Governor and the Legislature, shall be designed to achieve  
26 the following goals and objectives:

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

4           "a. Encouraging a diverse fuel mix among electric  
5       supply generation that promotes reliability and minimizes  
6       negative impacts that would result from electric power  
7       shortages.

8           "b. Promoting the production and use of renewable  
9       energy, bioenergy, and clean alternative energy, including  
10      coal gasification and liquification, advanced coal-based  
11      generation, and nuclear power.

12          "c. Promoting the production and use of bioenergy  
13      from agriculturally and forest based products.

14          "d. Broadening the diversity and decreasing the  
15      negative environmental impact of fuels that meet Alabama's  
16      transportation needs.

17          "e. Expanding electric generation infrastructure  
18      utilizing clean distributed energy resources, including, but  
19      not limited to, natural gas, propane, fuel cells,  
20      micro-turbines, and combined heat and power ~~and wind energy~~ to  
21      the extent that these technologies provide cost effective and  
22      reliable energy sources.

23          "(2) The development of conservation programs  
24      through each of the following methods:

25          "a. Identifying and promoting proven fuel and oil  
26      conservation technologies that improve fuel efficiencies in  
27      private fleets and state fleets.



1            "b. Identifying and promoting business and  
2 residential energy use reduction opportunities.

3            "c. Increasing the usage of energy efficient  
4 products and clean energy sources through the state  
5 procurement process.

6            "(3) Incorporating energy efficiency and  
7 conservation into the design and operation of state buildings.

8            "(4) Encouraging producers of clean energy  
9 technologies and producers of energy efficient products to  
10 locate their business operations in Alabama, through each of  
11 the following methods:

12            "a. Expanding the market for renewable and  
13 alternative energy technologies in Alabama.

14            "b. Increasing the number of producers and  
15 developers of clean energy technologies located in Alabama.

16            "c. Adopting incentives for new and existing  
17 facilities in Alabama that produce energy from alternative and  
18 renewable resources.

19            "~~(c) The Alabama Energy Plan~~ Any report submitted to  
20 the Governor or the Legislature by the committee shall include  
21 the following for each goal and objective:

22            "(1) An identification of actions already in  
23 process.

24            "(2) A prioritized list of recommended  
25 non-legislative action items.

26            "(3) Recommended legislative proposals.

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

3           "~~(d) The committee shall~~ may submit its  
4 ~~recommendations by the fifth legislative day of the 2011~~  
5 ~~Regular Session, and each regular session thereafter. The~~  
6 ~~committee may make additional recommendations and submit~~  
7 ~~studies and reports to the Legislature at any time~~ to the  
8 Legislature at any time that the Legislature is in regular  
9 session.

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

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

25           "~~(g) The committee may maintain an office facility~~  
26 ~~at a location in Montgomery, Alabama, for the use of the~~  
27 ~~director and staff of the Legislative Energy Policy Office and~~

1 may acquire furniture, equipment, and supplies needed for the  
2 operation of the office.

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

13 "§29-2-274.

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

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

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

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

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

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

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

13              ~~"(5) Renewable Power and Electric Generation~~  
14       ~~Subcommittee.~~

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

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

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

18              ~~"§29-2-275.~~

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

1 Legislature upon warrants drawn by the ~~state~~ Comptroller, upon  
2 requisitions signed by the committee's chair, ~~provided,~~  
3 ~~however, that legislative.~~ 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 subcommittees~~  
8 ~~shall receive the same mileage and per diem as allowed for~~  
9 ~~state employees while attending meetings of the committee and~~  
10 ~~subcommittees."~~

11 Section 2. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.