

1 SB33
2 188590-1
3 By Senators Ward and Whatley
4 RFD: Transportation and Energy
5 First Read: 09-JAN-18
6 PFD: 01/02/2018

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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 "~~(6) 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~~ recommendation
18 shall include, without limitation, recommendations relating to
19 oil and gas production and future oil and gas development that
20 are found both onshore and offshore in Alabama, as well as
21 renewable and alternative energy sources.

22 "§29-2-272.

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

25 "(1) The Chair of the House Committee on Agriculture
26 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) Four members of the ~~Houses~~ House of
16 Representatives appointed by the Speaker of the House of
17 Representatives, ~~all~~ three of whom shall be appointees from
18 the House of Representatives to the Energy Council and one of
19 whom 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, provided that those goals

1 and objectives may be met while still providing reliable and
2 affordable energy to Alabama residents:

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

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

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

14 "c. Promoting the production and use of bioenergy
15 from agriculturally and forest based products.

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

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

25 "(2) The development of conservation programs
26 through each of the following methods:

1 "a. Identifying and promoting proven fuel and oil
2 conservation technologies that improve fuel efficiencies in
3 private fleets and state fleets.

4 "b. Identifying and promoting business and
5 residential energy use reduction opportunities.

6 "c. Increasing the usage of energy efficient
7 products and clean energy sources through the state
8 procurement process.

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

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

15 "a. Expanding the market for renewable and
16 alternative energy technologies in Alabama.

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

19 "c. Adopting incentives for new and existing
20 facilities in Alabama that produce energy from alternative and
21 renewable resources.

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

25 "(1) An identification of actions already in
26 process.

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

3 "(3) Recommended legislative proposals.

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

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

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

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

1 ~~"(g) The committee may maintain an office facility~~
2 ~~at a location in Montgomery, Alabama, for the use of the~~
3 ~~director and staff of the Legislative Energy Policy Office and~~
4 ~~may 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 ~~"§29-2-274.~~

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

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

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

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

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

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

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

16 ~~"(5) Renewable Power and Electric Generation~~
17 ~~Subcommittee.~~

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

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

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

21 ~~"§29-2-275.~~

22 "The Secretary of the Senate, the Clerk of the House
23 of Representatives, and ~~the~~ any advisory subcommittees ~~created~~
24 ~~herein~~ shall provide any assistance as may be necessary at the
25 committee's request. Each legislative member of the committee
26 and each legislative member of a subcommittee shall be
27 entitled to his or her regular legislative compensation, his

1 or her per diem, and travel expenses for each day he or she
2 attends a meeting of the committee or a subcommittee which
3 shall be paid out of any funds appropriated for the use of the
4 Legislature upon warrants drawn by the ~~state~~ Comptroller, upon
5 requisitions signed by the committee's chair, ~~provided,~~
6 ~~however, that legislative.~~ Legislative members shall not
7 receive additional legislative compensation or per diem when
8 the Legislature is in session or if a member is being paid any
9 other payments on the same dates for attendance on other state
10 business. ~~Each non-legislative member of the subcommittees~~
11 ~~shall receive the same mileage and per diem as allowed for~~
12 ~~state employees while attending meetings of the committee and~~
13 ~~subcommittees."~~

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