

No. 1990-28

AN ACT

SB 648

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers; and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of State prisoners in Federal correctional facilities; and requiring certain State heating systems to be fueled by coal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding sections to read:

Section 902-B. Power to Contract.—The Department of Corrections may contract with the Federal Government for the housing of inmates in Federal correctional facilities.

Section 2420. State Heating Systems to be Fueled by Coal.—(a) The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Coal." Coal produced from mines in Pennsylvania or any mixture or synthetic derived, in whole or in part, from coal produced from mines in Pennsylvania.

"Mixture derived, in whole or in part, from coal." Includes, but is not limited to, both the intermittent and the simultaneous burning of natural gas with coal or a coal derivative if the intermittent or simultaneous burning of natural gas would:

(1) lower the cost of using coal or a coal derivative produced from mines in Pennsylvania; or

(2) enable coal or a coal derivative produced from mines in Pennsylvania to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

(b) Any heating system or heating unit installed in a facility owned by the State on or after the effective date of this section shall be fueled by coal.

(c) Any heating system or heating unit shall be exempt from the requirement of subsection (b) if the Secretary of General Services determines that:

(1) using coal as the fuel for that heating system or heating unit would violate existing or reasonably anticipated environmental laws or regulations;

(2) using coal as the fuel for that heating system or heating unit would not be cost effective when compared to using other forms of energy;

(3) using electricity generated primarily from the combustion of coal would be more cost effective when compared to using coal as the fuel for that heating system or heating unit;

(4) the principal fuel for that heating system or heating unit would be natural gas from wells located in Pennsylvania or wood from forests located in Pennsylvania, if such fuel were at least as cost effective as using coal as the fuel; or

(5) that heating system or heating unit was in or beyond the design stage prior to the effective date of this act.

(d) In determining cost-effectiveness under clauses (2), (3) and (4) of subsection (c), the Secretary of General Services shall perform a life cycle cost analysis.

(e) The Secretary of General Services shall report to the Appropriations Committees of the House of Representatives and the Senate the basis for any determination that a heating system or heating unit shall be exempt from the requirement of subsection (b).

Section 2. This act shall take effect as follows:

(1) Section 1 (section 2420) of this act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 9th day of April, A. D. 1990.

ROBERT P. CASEY