

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 384*

Short Title: NC Energy Policy Rewrite. (Public)

Sponsors: Senators Horton and Kinnaird.

Referred to: Commerce.

March 7, 2005

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE NORTH CAROLINA ENERGY POLICY ACT OF 1975.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 113B-8(a), G.S. 113B-8(b), G.S. 113B-8(d) through G.S. 113B-8(f), G.S. 113B-9(e), G.S. 113B-9(i), and G.S. 113B-9(j) are repealed.

SECTION 1.(b) G.S. 113B-7 through G.S. 113B-10, as amended by subsection (a) of this section, are recodified as G.S. 113B-10.1, except that G.S. 113B-8(g) and G.S. 113B-8(h) are recodified as G.S. 113B-11(g) and G.S. 113B-11(h) respectively; G.S. 113B-9(b) is recodified as G.S. 113B-23(d); and G.S. 113B-9(k) is recodified as G.S. 113B-11(i).

SECTION 1.(c) G.S. 113B-7(a) through G.S. 113B-7(c) become G.S. 113B-10.1(a) through G.S. 113B-10.1(c). G.S. 113B-8(c) becomes G.S. 113B-10.1(d). G.S. 113B-9(a) becomes G.S. 113B-10.1(e). G.S. 113B-9(c) and G.S. 113B-9(d) become G.S. 113B-10.1(f) and G.S. 113B-10.1(g), G.S. 113B-9(f) through G.S. 113B-9(h) become G.S. 113B-10.1(h) through G.S. 113B-10.1(j), G.S. 113B-10(a) through G.S. 113B-10(e) become G.S. 113B-10.1(k) through G.S. 113B-10.1(o). G.S. 113B-7(d) through G.S. 113B-7(g) become G.S. 113B-10.1(p) through G.S. 113B-10.1(s).

SECTION 2. Chapter 113B of the General Statutes, as amended and recodified by Section 1 of this act, reads as rewritten:

"Chapter 113B.

"North Carolina Energy Policy Act of 1975. Act.

"Article 1.

"Energy Policy Council.

"§ 113B-1. Legislative findings and purpose.

Upon investigation the General Assembly hereby finds that:

- (1) Energy is essential to the health, safety and welfare of the people of this State and to the workings of the State ~~economy~~; economy.

- 1 (2) Growth in the consumption of energy resources is in some part due to
2 wasteful, uneconomic and inefficient uses of energy and a continuation
3 of this trend will adversely affect the future ~~social, economic and~~
4 ~~environmental development~~ social and economic development and the
5 future environmental quality of North Carolina; Carolina.
- 6 (3) It is the responsibility of State government to encourage a reliable and
7 adequate supply of energy for North Carolina at a level consistent with
8 such energy needs required for the protection of public health and
9 safety, and for the promotion of the general ~~welfare; and~~ welfare.
- 10 (4) The State ~~has not provided the basis for development of~~ needs a
11 long-range unified energy policy to ~~encompass comprehensive energy~~
12 ~~resource planning and efficient management of the rate of~~
13 ~~consumption of existing energy resources in relation to economic~~
14 ~~growth, to effectively meet an energy crisis, to encourage development~~
15 ~~of alternative sources of energy, and to prudently conserve energy~~
16 ~~resources in a manner consistent with assuring a reliable and adequate~~
17 ~~supply of energy for North Carolina.~~ ensure the availability of reliable
18 energy in the State, to improve the public health and the environmental
19 quality of the State, to promote wise land use, support a sound
20 economy of the State, to achieve a sustainable energy strategy for the
21 State, and to provide a means by which State government leads the
22 State by its example.
- 23 (5) It is the expressed intent of this Chapter to provide for development of
24 such a unified energy policy for the State of North Carolina.

25 **"§ 113B-2. Creation of Energy Policy Council; purpose of Council.**

26 (a) There is hereby created a council to advise and make recommendations on
27 energy policy to the Governor and the General Assembly to be known as the Energy
28 Policy Council which shall be located within the Department of Administration.

29 (b) Except as otherwise provided in this Chapter, the powers, duties and
30 functions of the Energy Policy Council shall be as prescribed by the Secretary of
31 Administration.

32 (c) The Energy Policy Council shall serve as the central energy policy planning
33 body of the State and shall communicate and cooperate with federal, State, regional and
34 local bodies and agencies to the end of effecting a coordinated energy policy.

35 **"§ 113B-3. Composition of Council; appointments; terms of members;
36 qualifications.**

37 (a) The Energy Policy Council shall consist of 18 members to be appointed as
38 follows:

- 39 (1) Two members of the North Carolina House of Representatives to be
40 appointed by the Speaker of the House of Representatives;
- 41 (2) Two members of the North Carolina Senate to be appointed by the
42 President Pro Tempore of the Senate;
- 43 (3) Nine public members who are citizens of the State of North Carolina
44 to be appointed by the Governor;

1 (4) The chairman of the North Carolina Utilities Commission, the
2 Secretary of Environment and Natural Resources, the Commissioner of
3 Agriculture, the Secretary of Commerce and the Secretary of
4 Administration or their designees from their respective departments.

5 (b) ~~Initial appointments to the Energy Policy Council shall be made by July 15,~~
6 ~~1975, and each such appointee shall serve until January 31, 1977. Thereafter, the~~The
7 appointed members of the General Assembly shall serve two-year terms, and the
8 appointed public members shall serve four-year terms. A member of the Energy Policy
9 Council shall continue to serve until his successor is duly appointed, but such holdover
10 shall not affect the expiration date of such succeeding term.

11 (c) The public members of the Energy Policy Council shall have the following
12 qualifications:

13 (1) One such member shall be ~~experienced~~knowledgeable in the electric
14 power ~~industry;~~industry.

15 (2) One such member shall be ~~experienced~~knowledgeable in the natural
16 gas ~~industry;~~industry.

17 (3) One such member shall be ~~experienced~~knowledgeable in the
18 petroleum marketing ~~industry;~~industry.

19 (4) One such member shall be ~~experienced~~knowledgeable in economic
20 analysis of energy ~~requirements;~~requirements.

21 (5) One such member shall be ~~experienced~~knowledgeable in
22 environmental ~~protection;~~protection.

23 (6) One such member shall be ~~experienced~~knowledgeable in industrial
24 energy ~~consumption;~~consumption.

25 (7) One such member shall be knowledgeable ~~of~~in alternative sources of
26 ~~energy;~~energy.

27 (8) One such member who, at the time of appointment, is a county
28 commissioner; provided, such member's term on the Council shall
29 expire immediately in the event that he or she vacates office as a
30 county ~~commissioner;~~commissioner.

31 (9) One such member who, at the time of appointment, is an elected
32 municipal official; provided, such member's term on the Council shall
33 expire immediately in the event that he or she vacates office as an
34 elected municipal official.

35 **"§ 113B-4. Chairman of Council; replacement; reimbursement of members.**

36 (a) ~~On July 15, 1975, on January 31, 1977, and every four years thereafter,~~
37 ~~the~~Every four years, the Governor shall designate one of the members of the Energy
38 Policy Council to serve as chairman of the Council.

39 (b) In case of a vacancy in the membership on the Energy Policy Council prior to
40 the expiration of a member's term, a successor shall be appointed within ~~30~~90 days of
41 such vacancy for the remainder of the unexpired term by the appropriate official
42 pursuant to the provisions of G.S. 113B-3.

43 (c) Members of the Energy Policy Council shall be reimbursed for their services
44 pursuant to the provisions of G.S. 138-5.

1 **"§ 113B-5. Organization of the Council; adoption of rules of procedure therefor.**

2 (a) To facilitate the work of the Energy Policy Council and for administrative
3 purposes, the chairman of the Energy Policy Council, with the consent and approval of
4 the members, may organize the work of the Council so as to carry out the provisions of
5 this Chapter and to insure the efficient operation of the Council.

6 (b) The Energy Policy Council shall adopt its own rules of procedure and shall
7 meet regularly at such times and in such places as it may deem necessary to carry out its
8 functions.

9 (c) The Energy Policy Council is authorized to create such advisory committees
10 as will be needed to assist the Council in its efforts and to assure adequate
11 citizen-consumer input into those efforts. Members of advisory committees shall be
12 appointed by the Council for terms not to exceed the expiration date of terms of then
13 present public members of the Council.

14 **"§ 113B-6. General duties and responsibilities.**

15 The Energy Policy Council shall have the following general duties and
16 responsibilities:

- 17 (1) To develop and recommend to the Governor a comprehensive
18 long-range State ~~energy policy~~Energy Plan to achieve maximum
19 effective management and use of present and future sources of ~~energy,~~
20 ~~such policy to energy.~~ The State Energy Plan shall include but not be
21 limited to an energy efficiency program, an energy management plan,
22 an emergency energy program, and an energy research and
23 development program; components that address energy efficiency,
24 energy analysis and assessment, contingency and energy emergency
25 planning, and energy research and development.
- 26 (2) To conduct an ongoing assessment of the opportunities and constraints
27 presented by various uses of all forms of energy and to encourage the
28 efficient use of all such energy forms in a manner consistent with State
29 energy ~~policy;~~policy.
- 30 (3) To continually review and coordinate all State government research,
31 education and management programs relating to energy matters and to
32 continually educate and inform the general public regarding such
33 energy ~~matters;~~matters.
- 34 (4) To recommend to the Governor and to the General Assembly needed
35 energy legislation and to recommend for implementation such
36 modifications of energy policy, plans and programs as the Council
37 considers necessary and desirable.
- 38 (5) To develop and administer the Low-Income Residential Energy
39 Program. Nothing in this subdivision shall be construed as obligating
40 the General Assembly to appropriate funds for the Program or as
41 entitling any person to services under the Program.

42 **"§ 113B-10.1. State Energy Plan; components.**

43 (a) The Energy Policy Council shall prepare a recommended ~~Energy Efficiency~~
44 ~~Program for transmittal to the Governor, the initial plan to be completed by January 30,~~

1 ~~1976.~~ State Energy Plan. The State Energy Plan shall include recommendations that
2 address at least all of the following:

- 3 (1) Energy efficiency.
- 4 (2) Energy analysis and assessment.
- 5 (3) Contingency and energy emergency planning.
- 6 (4) Energy research and development.

7 (b) The ~~Energy Efficiency Program~~ recommendations included in the energy
8 efficiency component of the State Energy Plan shall be designed to assure~~ensure~~ the
9 public health and safety of the people of North Carolina and to encourage and promote
10 conservation of energy ~~through~~by reducing wasteful, ~~inefficient~~inefficient, or
11 uneconomical uses of energy resources.

12 (c) The ~~Energy Efficiency Program~~ recommendations in the State Energy Plan
13 that address energy efficiency shall include but not be limited to the following
14 recommendations:following:

- 15 (1) Recommendations to the Building Code Council for ~~lighting,~~
16 ~~insulation, climate control systems and other~~ building design and
17 construction standards ~~which~~that increase the efficient use of energy
18 and water and are economically feasible to ~~implement~~implement.
- 19 (2) Recommendations to the Building Code Council for per unit energy
20 requirement allotments based upon square footage for various classes
21 of buildings ~~which~~that would reduce energy consumption, yet are both
22 technically and economically feasible and not injurious to public
23 ~~health and safety~~health, productivity, and safety.
- 24 (3) Recommendations for minimum levels of operating efficiency for all
25 ~~appliances~~appliances, equipment, and tools whose use requires a
26 significant amount of energy based upon both technical and economic
27 feasibility ~~considerations~~considerations.
- 28 (4) Recommendations for State government purchases of supplies,
29 ~~vehicles~~vehicles, and equipment and such operating practices as will
30 make possible more efficient use of ~~energy~~energy.
- 31 (5) Recommendations on energy conservation policies, ~~programs~~
32 ~~programs~~, and procedures for local units of government; North
33 Carolina energy consumers.
- 34 (6) Any other recommendations ~~which~~that the Energy Policy Council
35 considers to be a significant part of a statewide conservation effort and
36 ~~which~~that include provisions for sufficient incentives to further energy
37 ~~conservation~~conservation.
- 38 (7) An economic and environmental impact analysis of the recommended
39 ~~program~~Plan.

40 (d) The ~~Energy Management Plan~~ recommendations in the State Energy Plan that
41 address energy analysis and assessment shall encourage the most efficient use of
42 sources of energy available to meet the needs of the State and to avoid undue
43 dependence upon relatively limited, unreliable, or uneconomical sources of energy.
44 These recommendations shall include but not be limited to the following:

- 1 (1) An analysis of the current pattern of consumption of energy
2 throughout the State by category of energy user and by sources of
3 energy ~~supply;~~supply.
- 4 (2) An assessment of the effect of demand and supply of different forms
5 of energy upon the current pattern of ~~consumption;~~consumption and its
6 effect upon jobs.
- 7 (3) An independent analysis, in ~~five-, 10- and 20-year~~ five- and 10-year
8 forecasts, of future energy production, supplies and consumption for
9 North Carolina in relation to forecasts of statewide population growth
10 and economic ~~expansion;~~expansion.
- 11 (4) An analysis of the anticipated effects of recommended conservation
12 measures upon the consumption of energy in the ~~State;~~State.
- 13 (5) An assessment of the possible effects of national energy and economic
14 policy and international economic and political conditions upon an
15 adequate and reliable supply of different forms of energy for North
16 ~~Carolina;~~Carolina.
- 17 (6) An assessment of the social, ~~economic~~ economic, and environmental
18 effects of alternative future consumption patterns on energy usage in
19 North Carolina, including the potentially disruptive effects of supply
20 ~~limitations;~~limitations.
- 21 (7) Recommendations on the use of different future energy sources that
22 seem most appropriate and feasible for North Carolina in meeting
23 expected energy needs during the next ~~five-, 10- and 20-year~~ five- and
24 10-year periods, with consideration given to growth trends in North
25 Carolina industry and possible adverse economic impact on such
26 trends.

27 (e) The Energy Policy Council ~~shall, in accordance with the provisions of this~~
28 ~~Article, shall develop a written contingency and emergency plans to deal with~~ plan that
29 addresses possible shortages of energy in order to protect the public health, safety
30 safety, and welfare, such plans to be compiled into an Emergency Energy
31 Program, welfare.

32 (f) ~~The Energy Policy Council shall encourage.~~ In developing the contingency
33 and emergency plan under this subsection, the Energy Policy Council shall:

- 34 (1) Encourage the preparation of joint emergency curtailment plans and
35 analyses. If such cooperative plans and analyses are developed
36 between two or more utilities, major ~~producers~~ producers, or by an
37 association of such companies, the joint plans or analyses may be
38 submitted to the Energy Policy Council in lieu of information required
39 ~~pursuant to subsection (b) of this section.~~ under G.S. 113B-23(d).

40 (g) ~~The Energy Policy Council shall collect~~

- 41 (2) Collect from all relevant governmental agencies any existing
42 contingency plans for dealing with sudden energy shortages or
43 information related thereto.

1 ~~(h) The Emergency Energy Program shall provide for the maintenance of~~
2 ~~essential services, the protection of public health, safety, and welfare, and the~~
3 ~~maintenance of a sound basic State economy.~~

4 ~~(3) Provisions also shall be made in said program to~~ Include provisions in
5 the contingent and emergency plan that differentiate curtailment of
6 energy consumption by users on the basis of ability to accommodate
7 such curtailments, and shall also include, but not be limited to, the
8 following: curtailments. These provisions shall address at least all of
9 the following:

10 ~~(1)a.~~ A variety of strategies and staged conservation measures of
11 increasing intensity and authority to reduce energy use during
12 an energy crisis, as defined in G.S. 113B-20 and guidelines and
13 criteria for allocation of energy sources to priority users. The
14 program shall contain alternative conservation actions and
15 allocation plans to reasonably meet various foreseeable shortage
16 circumstances and to allow a choice of appropriate
17 responses; responses.

18 ~~(2)b.~~ Evidence that the program is consistent with requirements of
19 federal emergency energy conservation and allocation laws and
20 regulations; regulations.

21 ~~(3)c.~~ Proposals to assist such individuals, institutions, agriculture and
22 businesses which have engaged in energy saving
23 measures; measures.

24 ~~(i) The Energy Policy Council shall carry~~

25 ~~(4) Carry out such any investigations and studies as that are necessary to~~
26 determine if and when potentially serious shortages of energy are
27 likely to affect North Carolina and the Council shall make Carolina.

28 ~~(5) Make recommendations to the Governor concerning administrative~~
29 and legislative actions required to avert such shortages, such
30 recommendations to be included as a section of the Emergency Energy
31 Program. shortages.

32 ~~(j) In addition to the above information and recommendations, the program shall~~
33 contain proposals for implementation of such recommendations which include

34 ~~(6) Develop procedures, rules rules, and regulations and agency~~
35 administrative responsibilities for implementation, and shall further
36 contain procedures to implement the contingency and emergency plan
37 and develop procedures, to be included in the contingency and
38 emergency plan, for fair and equitable review of complaints and
39 requests for special exemptions from emergency conservation
40 measures or emergency allocations. Upon completion of a draft
41 recommended plan, the Council shall arrange for its distribution to
42 interested parties and shall make such plan available to the public and
43 the Council further shall set a date for public hearing on said plan.

1 (k) The Energy Policy Council shall develop the research and development
2 component of the State Energy Plan. In developing this component of the State Energy
3 Plan, the Energy Policy Council shall encourage, through its activities, encourage
4 research studies and projects ~~which—that~~ are related to energy conservation and
5 management and to the development of alternative and renewable energy technologies.

6 (l) ~~The~~ In addition, the Council shall develop shall:

7 (1) Develop and coordinate a statewide program of research and
8 development in energy related matters and shall give priority in
9 encouraging and supporting such efforts to those areas of energy
10 research and development which are of particular importance to North
11 Carolina.

12 (m) ~~The Council shall serve~~

13 (2) Serve as the central repository within State government for the
14 collection and storage of data and information on energy-related
15 matters. ~~To this end the Council shall develop an energy information~~
16 ~~reporting system for use by all governmental agencies and by the~~
17 ~~general public.~~

18 (n) ~~The Council shall review~~

19 (3) Review and coordinate all State agency research and planning relating
20 to energy in an effort to reduce duplication of work and shall be the
21 lead State agency for coordination of energy matters with local
22 government, regional organizations, other states and the federal
23 government.

24 (o) ~~The Council may request~~

25 (4) Request and utilize the advice, information and services of all State,
26 regional, local and federal agencies and shall cooperate with the
27 President of the United States and all said agencies in matters relating
28 to energy research, programs and policy.

29 (p) In addition to specific conservation recommendations, the ~~Energy Efficiency~~
30 ~~Program~~ State Energy Plan shall contain proposals for implementation of such
31 recommendations as can be carried out by executive order. Upon completion of a draft
32 recommended ~~program, Plan,~~ the Council shall arrange for its distribution to interested
33 parties and shall make the ~~program Plan~~ available to the public and the Council further
34 shall ~~set a date for~~ hold one or more public hearing hearings on said program. ~~the draft~~
35 recommended State Energy Plan.

36 (q) Upon completion of the ~~Energy Efficiency Program, State Energy Plan,~~ the
37 Council shall transmit ~~said program, to be known as the State Energy Efficiency~~
38 ~~Program, the Plan~~ to the Governor for approval or disapproval. Upon approval, the
39 Governor shall assign administrative responsibility for such implementation as can be
40 carried out by executive order to appropriate agencies of State government, and submit
41 to the General Assembly such proposals which require legislative action for
42 implementation. The Governor shall have the authority to accept, administer, and
43 enforce federal programs, program measures and permissive delegations of authority
44 delegated to the Governor by the President of the United States, Congress, or the United

1 States Department of Energy, on behalf of the State of North Carolina, which pertain to
2 the conservation of energy resources.

3 (r) ~~The~~ Once the State Energy Plan is approved under subsection (q) of this
4 section, the Governor shall transmit the approved Energy Efficiency Program~~State~~
5 Energy Plan to the President of the Senate, to the Speaker of the House of
6 Representatives, to the heads of all State agencies and shall further seek to publicize
7 ~~such plan~~ the State Energy Plan and make it available to all units of local government
8 and to the public at large.

9 (s) At least every ~~two~~ four years and whenever such changes take place as would
10 significantly affect energy supply or demand in North Carolina, the Energy Policy
11 Council shall review and, if necessary, revise the ~~Energy Efficiency Program~~, State
12 Energy Plan, transmitting ~~such~~ the revised plan to the Governor pursuant to the
13 procedures contained in subsections ~~(e) and (f)~~ (q) and (r) of this section.

14 **"§ 113B-11. Powers and authority.**

15 (a) The Energy Policy Council is authorized to secure directly from any officer,
16 office, department, commission, board, bureau, institution and other agency of the State
17 and its political subdivisions any information it deems necessary to carry out its
18 functions; and all such officers and agencies shall cooperate with the Council and, to the
19 extent permitted by law, furnish such information to the Council as it may request.

20 (b) To assure the adequate development of relevant energy information, as
21 ~~provided in G.S. 113B-10,~~ the Council may require all energy producers and major
22 energy consumers, as determined by the Council, to file such reports and forecasts and
23 at such dates as the Council may request; provided, however, that the Council may
24 request only specific energy-related information which it deems necessary to carry out
25 its duties as defined in Articles 1 and 2 of this Chapter.

26 (c) The Council shall have authority to apply for and utilize grants, contributions
27 and appropriations in order to carry out its duties as defined in Articles 1 and 2 of this
28 Chapter, provided, however, that all such applications and requests are made through
29 and administered by the Department of Administration.

30 (d) The Council shall have authority to request said Department to allocate and
31 dispense any funds made available to the Council for energy research and related work
32 efforts in such a manner as the Council desires subject only to the stipulation that said
33 funds be reasonably used in furtherance of the purposes of this Article.

34 (e) The Department of Administration shall provide the staffing capability to the
35 Energy Policy Council so as to fully and effectively develop recommendations for a
36 comprehensive State ~~energy policy~~ Energy Plan as contained in the provisions of this
37 Article. The Utilities Commission is hereby authorized to make its staff available to the
38 Council to assist in the development of a State ~~energy policy~~ Energy Plan.

39 (f) Annual funding to the State Energy Office shall be provided by the
40 Department of Administration from the General Fund.

41 (g) The Governor shall have the authority to accept, administer and enforce
42 federal programs, program measures, and permissive delegations of authority delegated
43 to the Governor by the President of the United States, Congress, or the United States
44 Department of Energy, on behalf of the State of North Carolina, which pertain to

1 management of energy ~~resources~~resources and to actions necessary to deal with an
2 actual or impending energy shortage.

3 (h) The Governor shall have the authority to accept, ~~administer~~administer, and
4 enforce the delegation of authority delegated to the State by the Emergency Petroleum
5 Allocation Act and the Emergency Energy Conservation Act of 1979 and any orders,
6 rules, and regulations issued pursuant to those acts as well as any succeeding federal
7 programs, program measures, laws, orders, or regulations relating to the allocation,
8 conservation, consumption, ~~management~~management, or rationing of energy resources.

9 (i) The Governor shall have the authority to accept, ~~administer~~administer, and
10 enforce federal programs, program ~~measures~~measures, and permissive delegations of
11 authority delegated to the Governor by the President of the United States, Congress, or
12 the United States Department of Energy, on behalf of the State of North Carolina, ~~which~~
13 that pertain to actions necessary to deal with an actual or impending energy shortage.

14 **"§ 113B-12. Annual reports; contents.**

15 (a) ~~Beginning January 1, 1977, and every year thereafter,~~No later than January 1
16 of each year, the Energy Policy Council shall transmit to the Governor, the Speaker of
17 the House of Representatives, the President of the Senate, the chairman of the Utilities
18 ~~Commission~~Commission, and the appropriate chairmen of the House and Senate
19 committees concerned with energy matters, a comprehensive report providing a general
20 overview of energy conditions in the State. ~~On January 1, 1976, the Energy Policy~~
21 ~~Council shall transmit a progress report to the public officials named above.~~

22 (b) The annual report under subsection (a) of this section shall include, but not be
23 limited to, the following:

- 24 (1) ~~An overview of statewide growth and development as they relate to~~
25 ~~future requirements for energy, including patterns of urban and~~
26 ~~metropolitan expansion, shifts in transportation modes, modifications~~
27 ~~in building types and design, and other trends and factors which, as~~
28 ~~determined by the Council, will significantly affect energy needs;~~
- 29 (2) ~~The level of statewide and multi-county regional energy demand for a~~
30 ~~five-, 10- and 20-year forecast period which, in the judgment of the~~
31 ~~Council, can reasonably be met, with proposals as to possible energy~~
32 ~~supply sources;~~
- 33 (3) ~~An assessment of growth trends in energy consumption and production~~
34 ~~and an identification of potential adverse social, economic, or~~
35 ~~environmental impacts which might be imposed by continuation of the~~
36 ~~present trends, including energy costs to consumers, significant~~
37 ~~increases in air, water, and other forms of pollution, threats to public~~
38 ~~health and safety, and loss of scenic and natural areas;~~
- 39 (4) ~~An analysis and evaluation of the means by which the projected annual~~
40 ~~growth rate of energy demand may be reduced, together with an~~
41 ~~estimate of the amount of such reduction to be obtained by each of the~~
42 ~~means analyzed and evaluated;~~

- ~~(5) The status of the Council's ongoing energy research and development program and an assessment of the energy research and planning efforts carried out in North Carolina;~~
- ~~(6) Recommendations to the Governor and the General Assembly for additional administrative and legislative actions on energy matters;~~
- ~~(7) A summary of the Council's activities since its inception, a description of major plans developed by the Council, an assessment of plan implementation, and a review of Council plans and programs for the coming biennium.~~
- (8) Trends from the State Energy Plan that impact the State's energy supply and energy use and analyses of these trends.
- (9) Priorities recommended by the Energy Policy Council the previous year.
- (10) Priorities recommended by the Energy Policy Council for the coming year.
- (11) A summary, related in terms of each component of the State Energy Plan, of projects of the State Energy Office of the Department of Administration.
- (12) An analysis of the impacts of the projects summarized under subdivision (11) of this subsection.

"Article 2.

"Energy Crisis Administration.

"§ 113B-20. Definition; declaration of energy crisis.

(a) "Energy crisis". – An energy crisis exists when the health, welfare or safety of the citizens of North Carolina are threatened by reason of an actual or impending acute shortage in usable, necessary energy resources.

(b) Declaration by Governor. – Upon a finding by the Governor that the conditions stated in subsection (a) do exist, the Governor may declare the existence of an energy crisis.

"§ 113B-21. Creation of Legislative Committee on Energy Crisis Management.

~~(a) There is hereby created a~~The Legislative Committee on Energy Crisis Management is created to consist of the Speaker, as chairman, the Speaker pro tempore of the House of Representatives and the President pro tempore and the majority leader of the Senate. The Lieutenant Governor shall serve as a nonvoting ex officio member, provided, however, that he shall vote to break a tie.

(b) The Legislative Committee shall convene within 24 hours following the declaration of an energy crisis, as provided in G.S. 113B-20.

(c) Members of the Legislative Committee shall be reimbursed for their services pursuant to the provisions of G.S. 138-5.

"§ 113B-22. Procedures for adopting emergency proposals; emergency powers.

(a) Upon the declaration of an energy crisis, the Governor shall submit to the Legislative Committee for its prompt consideration such emergency orders, rules and regulations as deemed necessary to alleviate the effects of the energy crisis.

1 (b) The Governor shall immediately consult with the Legislative Committee
2 about the emergency proposals. The emergency orders, rules, or regulations shall
3 become effective at a time specified by the Governor, but no earlier than 48 hours after
4 submission to the Legislative Committee, provided that they may take effect at an
5 earlier time if approved by a majority vote of the Council of State after the Council
6 makes a finding that the crisis is of such immediacy as to make delay for legislative
7 review cause for probable harm to the public.

8 (c) No order, rule, or regulation promulgated under the provisions of this section
9 shall remain in effect for more than 30 days unless the Governor consults with the
10 Legislative Committee. Such consultation is separate and apart from the consultation
11 required by subsection (a) of this section, and may not take place until the order, rule, or
12 regulation has been in effect for at least seven days.

13 (d) The Governor's orders, rules and regulations, promulgated, subject to
14 consultation with the Legislative Committee, pursuant to this section, may also include,
15 by way of further enumerated example rather than limitation, provisions for the
16 establishment and implementation of programs, controls, standards, priorities, and
17 quotas for the allocation, conservation and consumption of energy resources; the
18 suspension and modification of existing standards and requirements affecting or
19 affected by the use of energy resources, including those relating to water and air quality
20 control and the hours and days during which public buildings may or may not be
21 required to remain open; and the establishment and implementation of regional
22 programs and agreements for the purposes of coordinating the energy resource
23 programs and actions of the State with those of the federal government and of other
24 states and localities.

25 **"§ 113B-23. Administration of plans and procedures.**

26 (a) Upon the declaration of an energy crisis, ~~pursuant to crisis under~~
27 G.S. 113B-20, the Energy Policy Council shall become the emergency energy
28 coordinating body for the State and shall carry out the following duties:

- 29 (1) Identify and determine the nature and severity of expected energy
30 shortages;
- 31 (2) Provide for daily communications with and gather information from
32 significant energy producers, distributors, transporters and major
33 consumers, as determined by the Energy Policy Council, to carry out
34 its responsibilities pursuant to this section;
- 35 (3) Provide data, carry out continuing assessments of the crisis situation,
36 and make recommendations to the Governor and to the Legislative
37 Committee for further action.

38 (b) Upon the declaration of an energy crisis, the Governor shall order the Energy
39 Policy Council, the Utilities Commission, the Attorney General and other appropriate
40 State and local agencies to implement and enforce ~~the Emergency Energy Program~~
41 ~~pursuant to G.S. 113B-9 and any emergency rules, orders~~ orders, or regulations
42 approved pursuant to G.S. 113B-22.

43 (c) Upon the declaration of an energy crisis, the Governor may employ such
44 measures and give such direction to State and local offices and agencies as may be

1 reasonable and necessary for the purpose of securing compliance with the provisions of
2 this Article and with emergency rules, orders and regulations issued pursuant to
3 G.S. 113B-22.

4 ~~Within four months of July 1, 1975:~~ Upon the declaration of an energy crisis:

5 (1) Each electric utility and natural gas utility in the State shall prepare
6 and submit to the Energy Policy Council a proposed emergency
7 curtailment plan setting forth proposals for identifying priority loads or
8 users in the event of the declaration of an energy crisis pursuant to
9 G.S. 113B-20, and proposals for supply allocation to such priority
10 loads or users.

11 (2) Each major oil producer doing business in this State as determined by
12 the Energy Policy Council shall prepare and submit to the Energy
13 Policy Council an analysis of how any national supply curtailment
14 pursuant to federal regulations shall affect the supply for North
15 Carolina and how priority users will be determined and available
16 supplies allocated to such users.

17 (3) Each major renewable and alternative energy provider, as determined
18 by the Energy Policy Council, shall assess stock and shall inventory
19 available facilities and resources.

20 "**§ 113B-24. Enforcement; penalties for violations.**

21 (a) The Attorney General and the law-enforcement authorities of the State and its
22 political subdivisions shall enforce the provisions of this Article and all orders, rules and
23 regulations promulgated pursuant to G.S. 113B-22.

24 (b) Any person who violates this Article or any rules, orders or regulations
25 promulgated pursuant to G.S. 113B-22 or knowingly or willfully submits false
26 information in any report required herein shall be guilty of a Class 1 misdemeanor.

27 (c) The provisions of this Article or any rules, orders or regulations promulgated
28 pursuant to G.S. 113B-22 may be enforced by bringing an action to enjoin such acts or
29 practices as may be in violation and, upon a proper showing, a temporary restraining
30 order or a preliminary or permanent injunction shall be issued. The relief sought may
31 include a mandatory injunction commanding any person to comply with any such order,
32 rule or regulation and restitution of money received in violation of any such order, rule
33 or regulation. The Attorney General shall bring any action under this subsection upon
34 the request of the Governor, the Legislative Committee on Energy Crisis Management,
35 the Energy Policy Council, or upon his direction if he deems such action advisable and
36 in the public interest. The Attorney General may institute such action in the Superior
37 Court of Wake County, or, in his discretion, in the superior court of the county in which
38 the acts or practices constituting a violation occurred, are occurring or may occur."

39 **SECTION 3.** Appointments of members to the Energy Policy Council under
40 G.S. 113B-3, as amended by Section 2 of this act, and designation of a chairman to the
41 Energy Policy Council under G.S. 113B-4, as amended by Section 2 of this act, shall be
42 made no later than January 31, 2006.

43 **SECTION 4.** This act becomes effective October 1, 2005.