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# Wisconsin Briefs

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from the

Legislative  
Reference  
Bureau

Brief 80-3

January 1980

## STATE DEPARTMENTS OF ENERGY: A SURVEY

### I. INTRODUCTION

Establishing a department of energy is being considered by the 1979 Wisconsin Legislature in the extraordinary 1980 session. Assembly Bill 966, introduced by the Assembly Committee on Energy at the request of Governor Lee Sherman Dreyfus, creates such a department, staffed partially with positions from the Public Service Commission, Department of Local Affairs and Development, and Department of Administration. In addition, the Public Service Commission is attached to the department for administrative purposes.

Among the department's duties are: 1) Issuing an annual energy report which will describe and forecast statewide energy supplies and demands, describe conservation efforts and their effect, and recommend state energy policies; 2) Providing energy information services to state agencies and coordinating state energy research, development and educational activities; and 3) Administering the state weatherization program and state energy demonstration program. Authority granted to the department includes: 1) Appearing before PSC proceedings and acting as an advocate on behalf of consumers in any other energy-related proceeding; 2) Administering federally supported or mandated programs; and 3) Requiring the submission of specific energy supply information. Furthermore, certain regulatory functions of the PSC would be transferred to the department.

This study focuses upon several states which currently have a department of energy, namely: Arkansas, Kentucky, Nevada, New Jersey, New Mexico (Energy and Minerals Department), Ohio, Oklahoma and Oregon.

All of these state departments are headed by either a secretary or director, who is appointed by the governor with the consent of the state senate and serves at the governor's pleasure; and all are responsible for developing their state's energy conservation plan under the National Conservation Policy Act. The number of employes for these departments range from 14 in Nevada to approximately 180 in New Mexico. Although the functions may vary somewhat from state to state, each department of energy has a common goal — energy conservation.

States which do not have a department of energy have generally created an energy function somewhere in their organizational structure. The table at the end of this report lists the alternative structural organizations.

### II. STATE DEPARTMENTS OF ENERGY

#### ARKANSAS

**History:** Act 255, Laws of 1979, "The Arkansas Energy Reorganization and Policy Act of 1979", abolished the State Energy Conservation and Policy Office and the Arkansas Energy Advisory Council, and created the Department of Energy and the State Energy Advisory Council.

**Number of Employes:** 70 (approximately).

**Organization:** The Department of Energy is headed by a director, who is appointed by the governor with the consent of the Senate and serves at the pleasure of the governor. The Department of Energy consists of such divisions as may be established by the director with the approval of the governor. See the organization chart for details.

**Functions:** The Department of Energy is the state agency responsible for developing the state's energy conservation plan under the National Energy Conservation Policy Act. Act 255, Laws of 1979, also provides the department with the additional following duties and responsibilities:

- (1) Coordinate energy matters between and among all state agencies.
- (2) Plan the most efficient energy delivery system to meet the State's future energy needs.

- (3) Compile an energy profile for the State which includes, but is not limited to, data on the demand for and supply and costs of renewable and nonrenewable energy resources.
- (4) Analyze manpower requirements for energy development in the State.
- (5) Collect data on, plan and administer emergency plans, when needed, to allocate the distribution of motor fuels, heating oil and propane by wholesale jobbers and dealers, within the state.
- (6) Provide an annual, written energy forecast to the Governor and the General Assembly which includes, but is not limited to, analyses of the demand for and supply and costs of renewable and nonrenewable energy resources.
- (7) Propose executive, legislative, and regulatory measures on energy related matters.
- (8) Provide expert testimony before state and federal regulatory bodies in matters relating to energy.
- (9) Propose recommendations for the decommissioning of nuclear power plants and monitor and evaluate safety procedures of nuclear power production, nuclear fuel transportation and handling, and nuclear waste disposal in coordination with other agencies of State Government.
- (10) Monitor and evaluate existing and proposed actions, laws, policies, regulations and orders of State and Federal Government in energy matters relevant to Arkansas.
- (11) Secure and administer federal energy grants for agencies of State Government; monitor and publicize federal energy grants available to the private sector.
- (12) Carry out energy related administrative and program functions established and required by federal law, regulations, or guidelines when applicable in Arkansas.
- (13) Develop and administer a conservation program directed toward reducing wasteful, inefficient, unnecessary uses of energy.
- (14) Promulgate rules and regulations for the purpose of implementing thermal and lighting efficiency standards for new building construction in the State.
- (15) Develop and propose thermal and lighting efficiency improvement programs for all buildings owned by the State and to prescribe thermal and lighting efficiency criteria applicable to the leasing of buildings by all State agencies.
- (16) Develop and administer programs intended to implement the most efficient energy delivery system for meeting the State's future energy needs.
- (17) Administer a public energy awareness program to inform the public of the energy outlook for the State, to explain and demonstrate to the public the importance and methods of utilizing energy conservation and renewable energy resources to reduce and/or make more efficient current energy usage, and to convey to the public the impact of existing or proposed energy actions taken by State and Federal Government.

Furthermore, the Arkansas Department of Energy has the authority to:

- (1) Obtain all necessary information from producers, suppliers, and consumers of energy resources within Arkansas, and from political subdivisions in this State, or from any other person in order to carry out its duties and responsibilities. Notwithstanding any provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information. Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data when it is so presented as to prevent identification of the source of information and to avoid any disclosure which would adversely affect the competitive position of any industry or person. In obtaining information under this subsection, the Director of the Arkansas Department of Energy, with the written consent of the Governor, may subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda, administer oaths, and may cause the depositions of persons residing within or without Arkansas to be taken in the manner prescribed for depositions in civil actions under state and federal law to obtain information relevant to energy resources; provided, however, that no industry shall be required to report to the Arkansas Department of Energy cost data which would adversely affect its competitive position with a competing industry.
- (2) Receive and expend funds obtained from the Federal Government or other sources by means of contracts, grants, awards, payment for services, and other devices in support of energy related programs, studies, or other operations beneficial to the State of Arkansas.
- (3) Promulgate rules and regulations for the purpose of administering emergency allocation plans.

#### KENTUCKY

History: The Department of Energy and the Kentucky Center for Energy Research were established by executive order in 1975. Subsequently, the department was created statutorily by

Chapter 299, Section 30, Acts of 1976, relating to the reorganization of the Kentucky state government. In 1978, the Department of Energy was abolished and reenacted by Chapter 186, Acts of 1978.

**Number of Employees:** 70 (approximately).

**Organization:** The Department of Energy is headed by a secretary, who is appointed by and serves at the pleasure of the governor. The department consists of the Office of the Secretary; the Bureau of Energy Research, which includes the Divisions of Technical Assistance and Demonstrations Projects; the Bureau of Production and Distribution, which includes the Divisions of Conservation, Energy Production, and Energy Distribution; the Advisory Council for Energy and Natural Resources; the Energy Research Board; the Office of Energy Planning and Evaluation; and the Office of Administration. In addition, the Kentucky Center for Research was transferred to the department.

**Functions:** The department is the state agency responsible for developing the state's energy conservation plan under the National Conservation Policy Act. The functions and duties of the current department were transferred from the former department. The primary purpose of the department is to develop and recommend programs for the development and utilization of energy.

Specific duties and functions are:

- (1) Prepare and maintain a continuous inventory of energy requirements and available supplies and capacities;
- (2) Formulate and update annually a comprehensive energy management program for the Commonwealth which shall specify alternative ways in which projected demands for all forms of energy may be met by projected or developable supplies;
- (3) Formulate and update at least annually a contingency plan to cope with any energy shortages which may occur from time to time;
- (4) Administer all programs relating to curtailment, allocation, conservation, planning, and management of all forms of energy not specifically mandated by existing statute;
- (5) Develop and encourage a comprehensive program for the wise development of all forms of energy in the Commonwealth, consistent with economic feasibility, environmental protection, and safety and health;
- (6) Develop, in cooperation with and through existing agencies, a process for the regulation of the siting of energy production, conversion, distribution, and transmission facilities;
- (7) Serve as a central access in state government for the collection, maintenance, and analysis of data, and information on all forms of energy supplies, demand, conservation, and related subjects;
- (8) Develop major conservation program involving all sectors of the Kentucky economy and including broad public educational efforts as to desirable conservation and utilization practices;
- (9) Investigate problems referred to it by the general public concerning energy shortages and seek solutions from any available public and private sources;
- (10) Review, study, and monitor the efficiency of energy utilization in state government operations, including the areas of construction, transport, waste disposal and recycling, fuels use, tax policies, and other energy matters, and suggest remedial measures.
- (11) Review the Kentucky Revised Statutes to determine how laws can be modified to promote optimum energy use, encourage conservation, and discourage waste of our energy resources through utilization, to the degree possible, of personnel most directly involved with the functioning of the laws under construction;
- (12) Recommend research and development efforts which will contribute to the integrity and adequacy of Kentucky's energy resources, with particular emphasis given to recommendations for research and development for utilization of coal resources and pollution control methods which will facilitate utilization of coal;
- (13) Recommend content and procedures for energy resource statements on all projects similar to the existing systems of environmental impact statements;
- (14) Review state building codes to insure a minimum standard of insulation and heat-saving or shielding devices, including ventilation, to reduce the need for mechanical air conditioning;
- (15) Review on a continuing basis utility rates, tax rates, license fees, and other regulatory or revenue-sharing practices for their impact on energy consumption;
- (16) Expedite the production of energy and energy producing fuels in Kentucky through correlation of appropriate programs of other agencies;

(17) Participate with the federal energy administration and other appropriate federal agencies in administering programs relating to production, allocation, planning, or conservation of energy;

(18) Conduct research on the impact of current and future energy supply and demand on the Kentucky economy and perform research on transportation, manpower, materials and other appropriate areas that affect the production of fossil fuels;

(19) Appear and participate in proceedings before the federal energy administration, the federal power commission, and any other local, state, regional, or federal agency relating to the duties of the department; and

(20) Perform other functions related to energy assigned by the governor and secretary of development.”

### NEVADA

**History:** The Nevada Department of Energy was established by the enactment of Chapter 529, 1977 Laws of Nevada. In addition to creating the Department of Energy, Chapter 529 also reorganized certain functions of the Nevada Department of Conservation and Resources and the Department of Human Resources.

**Number of Employees:** 14.

**Organization:** The Department of Energy is headed by a director, who is from the unclassified service and is selected by the governor. The department consists of three divisions: Colorado River Resources, Energy Conservation and Planning, and Energy Research and Development. There is also a State Energy Resources Advisory Board within the department. Members of the advisory board are appointed by the governor and represent several interest groups, local government and the Public Service Commission.

**Functions:** The Department of Energy is the state agency responsible for the developing the state's energy conservation plan under the National Energy Conservation Policy Act. Chapter 529, 1977 Laws of Nevada, requires that the department do the following:

“(1) Acquire and analyze information relating to energy and to the supply, demand and conservation of energy resources.

(2) Utilize all available public and private means to provide information to the public about energy problems and to explain how conservation of energy resources may be accomplished.

(3) Review and evaluate information which identifies energy resource trends and permits forecasting of the energy situation in the state. Such forecasts shall include estimates on:

(a) The level of energy demand in the state for 5-, 10- and 20-year periods;

(b) The amount of energy resources which are available to meet each level of demand;

(c) The probable implications of such forecast on the demand and supply level of energy resources; and

(d) The alternative energy resources which are available and their possible effects.

(4) Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy resources and encourage the maximum utilization of existing energy resources in the state.

(5) Encourage the development of any existing and alternative energy resources which will benefit the state.

(6) Review policies relating to the research and development of the state's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the state.

(7) Prepare, subject to the approval of the governor, petroleum allocation and rationing plans for possible energy contingencies. The plans shall be carried out only by executive order of the governor.

(8) Carry out and administer any federal programs which authorize state participation in fuel allocation programs.

(9) Upon request, provide information and assistance to any agency, bureau, board, commission, department or division which is engaged in energy management, planning, utilization and distribution.”

Chapter 529, also allows the department to do the following:

“(1) Receive and administer any gifts, grants or funds which are available from public or private resources.

(2) Expend money received from public or private sources or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

(3) Enter into any cooperative agreement with any federal or state agency or political subdivision."

### NEW JERSEY

**History:** Chapter 146, Laws of 1977, "Department of Energy Act", established the New Jersey Department of Energy as a principal department in the New Jersey executive branch. The department's creation was the result of legislative findings "that the existing dispersion of responsibilities with respect to energy and energy-related matters among various State departments, divisions, agencies and commissions inhibits comprehensive and effective planning for our future energy needs; and that the State Government does not now possess either sufficient information or adequate authority to provide for and insure the wise and efficient production, distribution, use, and conservation of energy".

**Number of Employees:** 95.

**Organization:** The Department of Energy is headed by a commissioner, who is appointed by the governor with the consent of the New Jersey Senate and serves at the pleasure of the governor. The commissioner is responsible for organizing the work of the department and establishing the department's administrative subdivisions. Chapter 146, Laws of 1977, also provides for the establishment within the department of the Division of Energy Planning and Conservation, headed by a director. The director is selected in the same manner as the commissioner of the Department of Energy. An Advisory Council on Energy Planning and Conservation was created within the division. The advisory council consists of 15 members representing various energy suppliers and energy consumers coming from several geographical areas. Employees of the former State Energy Office were transferred to the Department of Energy, and the Bureau of Energy Resources in the Department of Public Utilities was transferred to the Division of Energy Planning and Conservation.

**Functions:** The department is the state agency responsible for developing the state's energy conservation plan under the National Energy Conservation Policy Act. In fact, Chapter 146, Laws of 1977, mandates that the department, within one year of the effective date of this act, is to prepare and adopt a master plan for a period of 10 years on the production, distribution, consumption and conservation of Energy in New Jersey. This plan is to be revised and updated at least once every 3 years. Chapter 146 became effective on July 11, 1977.

The department, through the Division of Energy Planning and Conservation, has the power to review and comment on the construction or location of any energy facility prior to the issuance of a permit. The division may either approve or deny such a permit.

The department is required to prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy which poses grave threats to the public health, safety or welfare.

The Department of Energy is also responsible for:

- (1) Being the central repository for the collection of energy information.
- (2) Collecting and analyzing data relating to present and future demands and resources for all forms of energy.
- (3) Assigning state departments and agencies involved in energy-related activities with specific information-gathering goals and requiring that these goals be fulfilled.
- (4) Determining the impact of any construction or development project on the energy and fuel resources through the submission of required information.
- (5) Establishing an energy information system which will provide all data necessary to insure an equitable distribution of available energy, to permit a more efficient and effective use of available energy, and to provide the basis for long-term energy planning.
- (6) Designing, implementing and enforcing a program for energy conservation in all areas.
- (7) Conducting and supervising a statewide educational program which includes the preparation and distribution of energy conservation information.
- (8) Monitoring energy prices within New Jersey, evaluating policies governing the establishment of energy rates and prices, and recommending necessary changes in such policies.
- (9) Conducting and supervising research projects and programs concerning energy resources and conservation.
- (10) Distributing and expending funds made available for the purpose of research projects and programs.

(11) Entering into interstate compacts in order to carry out energy research and planning with other states or the Federal Government when appropriate.

(12) Applying for, accepting and expending grants-in-aid and assistance from private and public sources for energy programs.

(13) Requiring the annual submission of energy utilization reports and conservation plans by state departments and agencies, evaluating these reports and plans regarding the progress achieved, and ordering changes in the plans in meeting the goals of the plans.

(14) Conducting hearings and investigations regarding its responsibilities.

(15) Administering Federal energy regulations which include mandatory petroleum allocation regulations.

(16) Establishing demonstration facilities which improve the efficiency of energy use, conserve energy or generate energy in new and efficient methods.

(17) Determining the effect of energy and fuel shortages upon consumers, and formulating proposals designed to encourage the lowest possible cost of energy and fuels consumed in New Jersey which is consistent with the conservation and efficient use of energy.

### NEW MEXICO

**History:** The Energy and Minerals Department was established by the enactment of Chapter 255, 1977 Laws of New Mexico, "The Energy and Minerals Department Act."

**Number of Employees:** 180 (approximately).

**Organization:** The Energy and Minerals Department is headed by a secretary, who is appointed by the governor with the consent of the Senate. The secretary serves at the pleasure of the governor and is a member of the executive cabinet. In addition to the Office of the Secretary, the department is divided into 5 divisions: Administrative Services, Energy Conservation and Management, Mining and Minerals, Oil Conservation, and Energy Resources and Development. Each division is headed by a division director, who is appointed by the secretary with approval of the governor. The Public Service Commission has been attached to the department for administrative purposes. See the organization chart for details.

**Secretary's Functions:** Section 9-5-6 of the New Mexico Statutes Annotated provides the following duties for the secretary:

"A. The secretary is responsible to the governor for the operation of the department. It is his duty to manage all operations of the department and to administer and enforce the laws with which he or the department is charged and to:

(1) insofar as is practicable, maintain complete records of all fuel and power produced in this state and a complete inventory of all reserves and potential sources of fuel and power in this state, and keep a complete record of the wholesale and quantity of sales of fuel and power consumed within the state and exported out of the state;

(2) insofar as is practicable, maintain complete records of the prices paid for and taxes paid on fuel and power produced in this state, and maintain a constant comparison with similar prices and taxes paid for and on similar fuel and power in other states;

(3) formulate and maintain a general statewide plan for the siting, production, processing and taxation of fuel and power in whatever form;

(4) cooperate with other energy producing states in the furtherance of the statewide plan;

(5) administer any state fuel allocation program;

(6) administer any state energy conservation program;

(7) prepare and administer the state energy management program;

(8) receive and use funds from federal or other governmental agencies and grants and gifts from any other source; and

(9) coordinate mining activities in the state.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or the department, or any division of the department, except where authority conferred upon any division therein is explicitly exempted from the secretary's authority by statute. In accordance with these provisions the secretary shall:

(1) except as otherwise provided in this act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as he deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units he deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge his duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to assure implementation of and compliance with the provisions of law with the administration or execution of which he is responsible, and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies;

(10) appoint, with the governor's consent, for each division, a "director." These appointed positions are exempt from the provisions of the Personnel [Personnel] Act... Persons appointed to these positions shall serve at the pleasure of the secretary;

(11) give bond in the penal sum of twenty-five thousand dollars (\$25,000) and require directors to each give bond in the penal sum of ten thousand dollars (\$10,000) conditioned upon the faithful performance of duties, as provided in the Surety Bond Act... The department shall pay the costs of such bonds; and

(12) require performance bonds of such department employees and officers as he deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of such bonds.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including but not limited to the United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap, or a function assigned to one department could better be performed by another department, a secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions. No rule or regulation promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no regulation affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by him. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules and regulations shall be filed in accordance with the State Rules Act...

F. The secretary may:

(1) subpoena all records and persons necessary to the performance of his duties, which subpoenas may be enforced through any district court of the state;

(2) cooperate with all agencies both public and private in the furtherance of the department's statewide plan;

(3) use any funds at the department's disposal to build facilities specifically authorized by the legislature for the benefit of the state, its political subdivisions and its citizens for the orderly production of fuel and power and may operate or lease the operation of such facilities;

(4) enter into agreements as authorized by the legislature for the lease or joint use of facilities necessary to the furtherance of the department's statewide plan;

(5) require state agencies, which are hereby directed to supply such information, and private organizations to supply information concerning the use, supply, source, allocation, availability or distribution of energy;

(6) establish, subject to the approval of the governor, advisory committees to assist the department in carrying out its duties under the Energy and Minerals Department Act."

**Other Functions:** The department is the state agency responsible for developing the state's energy conservation plan under the National Conservation Policy Act.

The responsibilities and duties of each division of the department are set forth by the New Mexico Statutes annotated as follows:

**Administrative Services Division**

Section 9-5-7 A of the New Mexico Statutes Annotated provides that the division shall:

"(1) provide administrative services to the department including:

(a) keeping all official records of the department,

(b) providing clerical services in the areas of personnel and budget preparation; and

(c) providing clerical, record keeping and administrative support to agencies administratively attached to the department; and

(2) coordinate long and short term planning of the department and shall administer programs and grants which have been assigned to the division by the secretary or by statute."

**Energy Conservation and Management Division**

Section 9-5-7 B provides that the division shall:

"(1) administer any state energy conservation programs;

(2) provide technical and advisory assistance in the development and implementation and evaluation of conservation programs connected with the development and use of energy and mineral resources;

(3) review energy conservation plans and activities instituted by entities receiving public funds for operating expenses;

(4) maintain records on energy consumption in all public funded activities; and

(5) administer any federal-state energy conservation programs."

**Energy Resource and Development Division**

Section 9-5-7 C provides that the division shall:

"(1) develop, implement and administer energy impact programs which affect the state and its political subdivisions; and

(2) monitor energy development in the state in cooperation with state and federal agencies, political subdivisions and private industry so that benefits to the state may be maximized."

**Mining and Minerals Division**

Section 9-5-7 D provides that the division shall:

"(1) coordinate the various facets, including safety and inspection, of the mining industry within the state;

(2) conduct geological studies of known supplies of natural sources of energy in this state, including fossil fuels, radioactive minerals and geothermal energy with the aim of determining reserves and life expectancy thereof;

(3) conduct geological studies of probable and potential supplies of natural sources of energy;

(4) cooperate with the bureau of mines and mineral resources in the preparation and publication of maps, brochures and pamphlets describing known, probable and potential sources of natural energy in this state;

(5) cooperate with private, state and federal agencies in the gathering of geological data concerning energy supplies;

(6) assist the secretary of energy and minerals in the performance of his duty to maintain an inventory of all reserves and potential sources of fuel and power in this state; and

(7) shall, as provided by law, regulate coal surfacemining within this state."

**Oil Conservation Division**

Section 9-5-7 E of the New Mexico Statutes Annotated provides that the division shall:

E. "administer the laws and regulations relating to oil, gas and geothermal resources except those laws specifically administered by another authority."

In addition, Section 65-3-11, "Enumeration of Powers", states:

"A. Included in the power given to the division is the authority to collect data; to make investigations and inspections; to examine properties, leases, papers, books and records; to examine, check, test and gauge oil and gas wells, and tanks, plants, refineries, and all means and modes of transportation and equipment; to hold hearings; to provide for the keeping of records and the making of reports and for the checking of the accuracy thereof; to limit and

prorate production of crude petroleum oil or natural gas, or both, as in this act provided; to require either generally or in particular areas certificates of clearance or tenders in connection with the transportation of crude petroleum oil or natural gas or any products thereof, or both such oil and products, or both such natural gas and products.

B. Apart from any authority, express or implied, elsewhere given to or existing in the division by virtue of this act or the statutes of this state, the division is hereby authorized to make rules, regulations and orders for the purposes and with respect to the subject matter stated herein, viz.:

(1) to require dry or abandoned wells to be plugged in such a way as to confine the crude petroleum oil, natural gas, or water in the strata in which they are found, and to prevent them from escaping into other strata; the division shall require a corporate surety bond in a sum not to exceed fifty thousand dollars (\$50,000) conditioned for the performance of such regulations;

(2) to prevent crude petroleum oil, natural gas, or water from escaping from strata in which they are found into another stratum or other strata;

(3) to require reports showing locations of all oil or gas wells, and for the filing of logs and drilling records or reports;

(4) to prevent the drowning by water of any stratum or part thereof capable of producing oil or gas, or both oil and gas, in paying quantities, and to prevent the premature and irregular encroachment of water, or any other kind of water encroachment, which reduces or tends to reduce the total ultimate recovery of crude petroleum oil or gas, or both such oil and gas, from any pool;

(5) to prevent fires;

(6) to prevent "blow-outs" and "caving" in the sense that the conditions indicated by such terms are generally understood in the oil and gas business;

(7) to require wells to be drilled, operated and produced in such manner as to prevent injury to neighboring leases or properties;

(8) to identify the ownership of oil or gas producing leases, properties, wells, tanks, refineries, pipelines, plants, structures, and all transportation equipment and facilities;

(9) to require the operation of wells with efficient gas-oil ratios and to fix such ratios;

(10) to fix the spacing of wells;

(11) to determine whether a particular well or pool is a gas or oil well, or a gas or oil pool, as the case may be, and from time to time to classify and reclassify wells and pools accordingly;

(12) to determine the limits of any pool or pools producing crude petroleum oil or natural gas or both, and from time to time redetermine such limits;

(13) to regulate the methods and devices employed for storage in this state of oil or natural gas or of any product thereof including subsurface storage;

(14) to permit the injection of natural gas or of any other substance into any pool in this state for the purpose of repressuring, cycling, pressure maintenance, secondary or any other enhanced recovery operation;

(15) to regulate the disposition of water produced or used in connection with the drilling for or producing of oil or gas, or both, and to direct surface or subsurface disposal of such water in a manner that will afford reasonable protection against contamination of fresh water supplies designated by the state engineer;

(16) to determine the limits of any area containing commercial potash deposits and from time to time redetermine such limits;

(17) to regulate and where necessary prohibit drilling or producing operations for oil or gas within any area containing commercial deposits of potash where such operations would have the effect unduly to reduce the total quantity of such commercial deposits of potash which may reasonably be recovered in commercial quantities or where such operations would interfere unduly with the orderly commercial development of such potash deposits; or

(18) to spend the oil and gas reclamation fund and do all acts necessary and proper to plug dry and abandoned oil and gas wells in accordance with the provisions of the Oil and Gas Act and the Public Purchases Act including disposing of salvageable equipment and material removed from oil and gas wells being plugged by the state."

#### OHIO

**History:** 1977 Amended Substitute House Bill 415 created the Ohio Department of Energy.  
**Number of Employees:** Approximately 85 full-time employees and 3 three-quarter time employees.

**Organization:** The Department of Energy is headed by the director, appointed by the governor with the advice and consent of the Senate. The director holds this office during the term of the appointing governor but is subject to removal at the pleasure of the governor. The law sets up the following divisions headed by chiefs: Standards and Conservation, Energy Resource Development, Information and Technology Transfer, Planning and Forecasts, and Coal Research and Development. See the organization chart for details. The organization chart provided by the department uses a somewhat different nomenclature.

**Functions:** The Department of Energy is the state agency responsible for developing the state's energy conservation plan under the National Energy Conservation Policy Act. The director may delegate his duties or powers to be exercised under his supervision and control. Under the Ohio Revised Code, the director is required to do the following:

Section 1551.04:

"(A) Estimate statewide and regional needs for energy for the forthcoming five- and ten-year periods which, in the opinion of the director of energy, will reasonably balance requirements of state and regional development, protection of public health and safety, preservation of environmental quality, maintenance of a sound economy, and conservation of energy and material resources. Other factors and trends which will significantly affect energy consumption such as the effects of conservation measures shall also be included.

(B) Estimate statewide and regional demands within the state for energy for twenty years ahead, to be used in formulation of long range policies and proposals for reduction of demand, conservation of energy, development of potential sources of energy, and action to affect the rate of growth in demand for energy;

(C) Identify potential adverse social, economic, and environmental effects caused by a continuation of present energy demand trends, including, but not limited to, the costs of electricity and other forms of energy to consumer, increases in air, water, and other forms of pollution, threats to public health and safety, and the deterioration of scenic and natural areas;

(D) Assess the energy resources available to the state including fossil fuels, nuclear fission and fusion, geothermal, wind and water power, and solar energy resources in the state, and the availability of commercially developable and imported fuels during forthcoming ten- and twenty-year periods, and make recommendations on the development and conservation of energy resources;

(E) ...Submit an annual energy status report to the governor and the general assembly, identifying emerging trends related to energy supply, demand progress in conservation, public health, and safety factors, costs of energy to consumers, and specifying statewide and regional energy needs.

(F) Submit recommendations to the governor, the general assembly, and other state agencies...."

Section 1551.05:

"(A) Develop and maintain an effective program of collection, verification, and analysis of energy data, statistics, and information. The program shall be developed and implemented so as to be coordinated and consistent with other governmental data collection and record keeping programs. Internal validation procedures shall be established to assure to the extent practicable the accuracy of information received. The department shall utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, township, and municipal agency shall cooperate with the department and shall submit any information on energy to it upon request.

(B) Develop a system which:

(1) Permits reasonable access by the general public to information developed;

(2) Make available current, reliable, and relevant information concerning energy supply, distribution, use, and conservation, including but not limited to resource recovery and materials recycling, to state and local officials;

(3) Provide advice and support to agencies of state government whose plans and programs involve the production, conversion, transmission, or end-use of significant amounts of energy, so such agencies may evaluate the consequences of such actions with respect to state energy goals.

(C) With the energy advisory council, develop a state energy policy and an energy-related planning capability...;

(D) Adopt a fuel allocation plan for fuels other than natural gas, synthetic natural gas, or artificial gas for...the purpose of avoiding foreseeable energy emergencies and adopt rules...specifying actions to be taken in the event that an energy emergency occurs;

(E) Provide a central index and referral service within state government regarding available data on energy;

(F) Evaluate policies governing the establishment of rates and prices for energy as they affect energy conservation and promote the development and efficient use thereof, and make recommendations to the public utilities commission and the general assembly for changes in utility pricing policies, rate schedules, and load management measures;

(G) Monitor and assess technological advancements in energy conservation and development, and maintain to the extent practicable a capability for independent technology assessment to support formulation of state energy policy;

(H) Review laws, rules, and state agency policies that affect energy utilization, and recommend to the agencies and the general assembly changes to achieve energy conservation and development;

(I) Develop methods for the performance of "energy audits" of buildings and structures and "net energy analyses," employing whenever possible existing knowledge and practices, in order to identify energy cost savings to be realized through energy conservation measures, and prepare or identify curricula or source materials for training of persons conducting energy audits;

(J) Implement a continuing public education effort designed to inform individuals and organizations about specific and appropriate ways to conserve energy;

(K) Provide technical assistance, information on technological advancements in energy production, use, and conservation, energy efficiency information, recommendations to state agencies and local governments, assistance in the identification, evaluation, and implementation of measures to reduce energy consumption and waste, and public information on energy conservation measures, criteria, and alternatives to assist consumers in purchasing appliances, machinery, power tools, and similar products;

(L) Identify, project, and monitor reduction in energy demand due to energy conservation measures in the industrial, commercial, residential, transportation, and energy production sectors and the state as a whole.

(M) Review and evaluate electric light companies' forecasts of loads and resources in relation to population growth estimates made by state and federal agencies, and, in relation to statewide and regional land use, transportation, and economic development plans and forecasts, based on state energy policies, make recommendations, for necessary and reasonable alternatives to meet forecasted electric power demand.

(N) Develop an independent capability for making five-year and ten-year forecasts of the loads and resources of the gas, natural gas, and electric light companies in this state."

Furthermore, the department is to be the coordinating agency responsible for involving all other appropriate state agencies in developing energy conservation programs and for minimizing duplication of effort among state agencies and programs.

The director of the Department of Energy is also allowed the following:

Section 1551.11 (A):

"(1) Identify, plan, organize, initiate, and sponsor studies, research, and experimental, pilot, and demonstration facilities and projects which would lead to the development and more efficient utilization of present, new or alternative energy sources in the state, to the conservation of energy, to the attraction of federal and other development funding in emerging and established national or state priority areas, or to the enhancement of the economic development of the state.

(2) Promote, assist, and provide financial assistance for the development of nonprofit corporations...;

(3) Seek out, apply for, receive, and accept grants, gifts, contributions, loans, and other assistance in any form from public and private sources, including assistance from any government agency;

(4) Make grants... from funds that are appropriated by the general assembly and from gifts or grants...including grants to the Ohio inter-university energy research council, for the purposes of developing, constructing, or operating experimental, pilot, and demonstration facilities or programs which develop, test, or demonstrate more efficient and environmentally acceptable methods of extracting energy resources, new concepts, programs, or technology for the conservation of energy, new concepts, programs, or technology for the efficient and environmentally acceptable utilization of present, new, or alternative energy sources, or concepts, programs, or technology which develop resources of the state. Grants may be made for, but not limited to, projects and programs such as: experimental demonstrations of the use of Ohio coal in processes which would facilitate its widespread use as a source of energy; experimental demonstrations of new or improved coal, natural gas, and natural petroleum extraction techniques and of reclamation techniques at the extraction sites; experimental

demonstrations or development of solar heating and cooling and potentially energy-efficient construction in public buildings, schools, offices, commercial establishments, and residential homes; development of programs or experimental demonstrations of the utilization of waste products in energy production and mineral and energy conservation; and development of programs or experimental demonstrations of technologies which would permit utility pricing policies which may reduce the consumer costs of energy;

(5) (a) Request any state department, agency, office, commission, institution, or other organization or any political subdivision of the state to supply any information in its possession or readily accessible to it concerning the use, supply, source, allocation, or distribution of energy;

(b) Request any business, industry, trade association, or other organization or person doing business or representing persons doing business in the state to supply any information in their possession or that can reasonably be assumed to be readily accessible to them concerning the use, supply, source, allocation, or distribution of energy required pursuant to federal energy regulations;

(c) Issue a subpoena to any officer or agent of any organization... appear before the agency and produce such records as are required... and as may be necessary to deal with any energy problem in this state.

(6) Enter agreements with persons and governmental agencies....”

### OKLAHOMA

**History:** In 1974, the Oklahoma State Department of Energy was created by Chapter 1, Oklahoma 1974 Session Laws. Chapter 1 also abolished the Oklahoma Energy Advisory Council.

**Number of Employees:** 22.

**Organization:** The Department of Energy is headed by the director, who is appointed by the governor, subject to Senate confirmation, and serves at the pleasure of the governor. The department also has a deputy director and administrative staff, and is divided into two branches: the conservation branch and the fuel allocation branch. The conservation branch is responsible for Oklahoma's various energy programs, and the fuel allocation branch is responsible for the state's set aside program.

**Functions:** The department is the agency responsible for developing the state's energy conservation plan under the National Energy Conservation Policy Act. In addition, the department has the following duties and authority:

(1) To allocate fuels.

(2) To interpret federal guidelines relating to fuel allocation and other energy matters.

(3) To implement and administer any federal programs relating to fuel allocation.

(4) To adopt rules and regulations to implement such programs.

(5) To receive and administer any gifts, grants or other funds made available from any source for use in connection with Federal Fuel Allocation Programs;

(6) To develop such data as may be required to coordinate, promote and develop effective statewide energy conservation programs and for the analysis and evaluation of such programs.

### OREGON

**History:** Chapter 606, 1975 Laws of Oregon, created the Oregon Department of Energy.

**Number of Employees:** 60 (approximately).

**Organization:** The Department of Energy is headed by a director, who is appointed by the governor, confirmed by the Senate, and serves at the pleasure of the governor. The department is comprised of 6 major units: Allocation, Administrative Services, Conservation, Reusable Resources, Planning, and Siting and Regulation. See the organization chart for details.

**Functions:** The department is the state agency responsible for developing the state's energy conservation plan under the National Energy Conservation Policy Act. In addition, under Chapter 606, 1975 Laws of Oregon, the department is to:

(1) Be the central repository within the Oregon state government for the collection of data on energy resources.

(2) Inform and educate the public about energy problems and ways in which the public can conserve energy resources.

(3) Engage in research, but whenever possible, contract with appropriate public or private agencies and dispense funds for research projects and other services related to energy resources, except that the department shall make a serious attempt to avoid duplication of research.

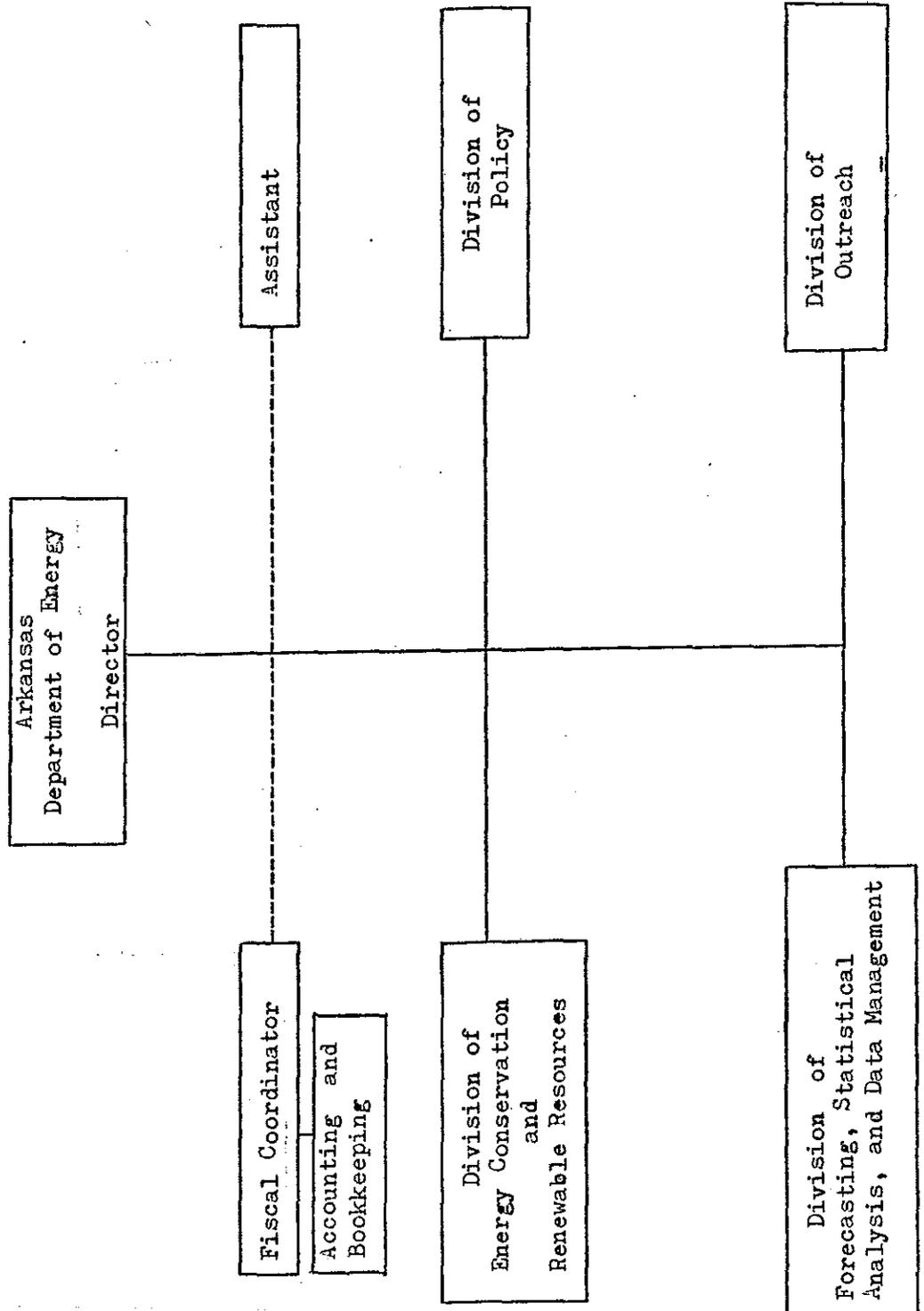
(4) Administer federal and state energy allocation and conservation programs and energy research and development programs and apply for and receive available funds.

(5) Be a clearinghouse for energy research to which all agencies are to send information on all energy related research.

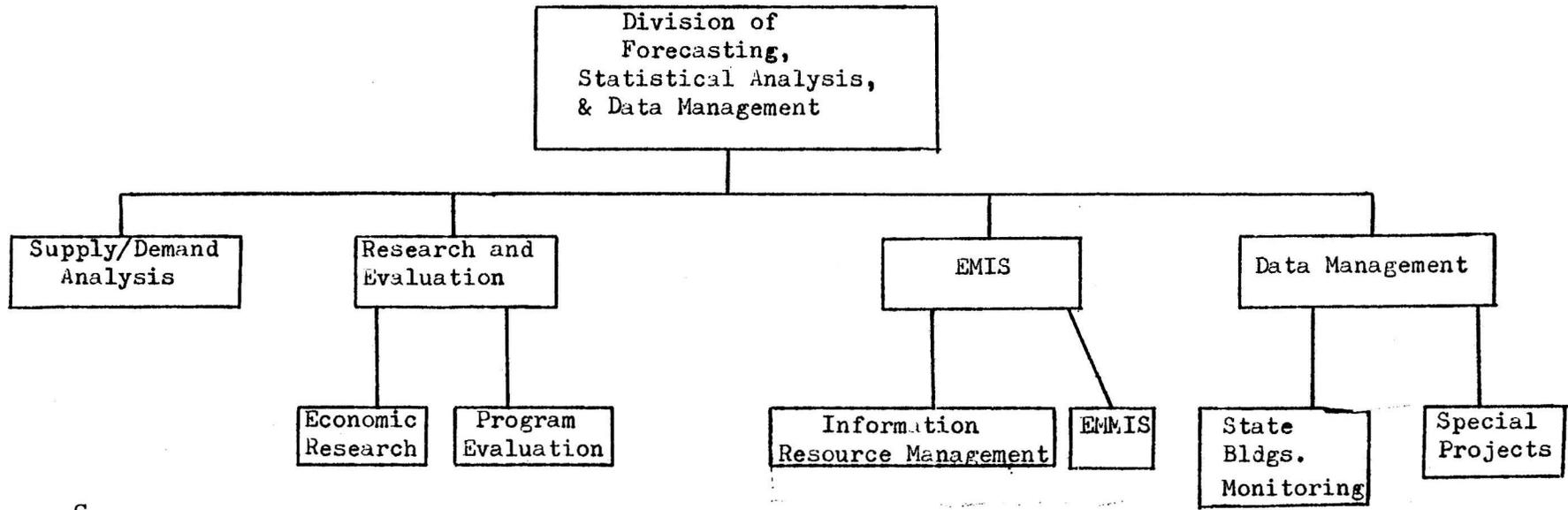
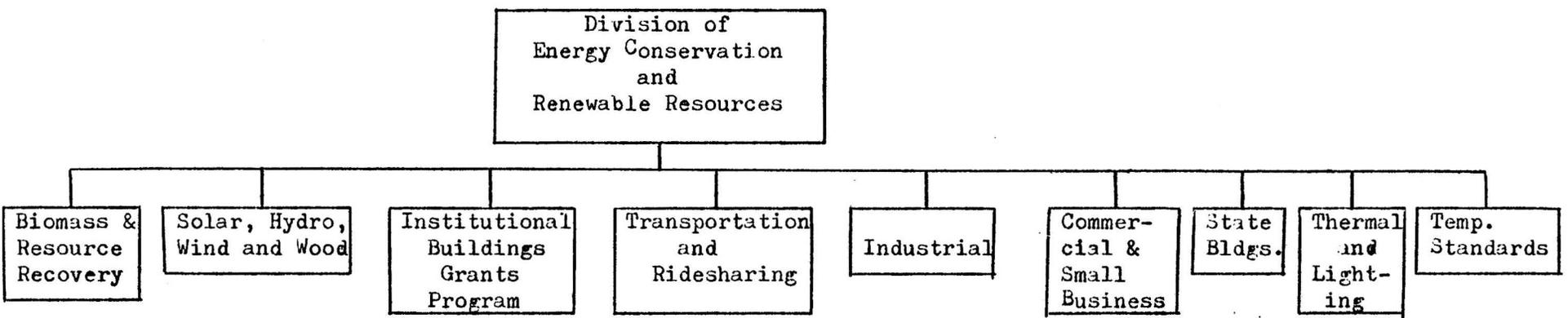
(6) Maintain an inventory of energy research projects in Oregon and their results.

(7) Collect, compile and analyze energy statistics, data and information.

ARKANSAS

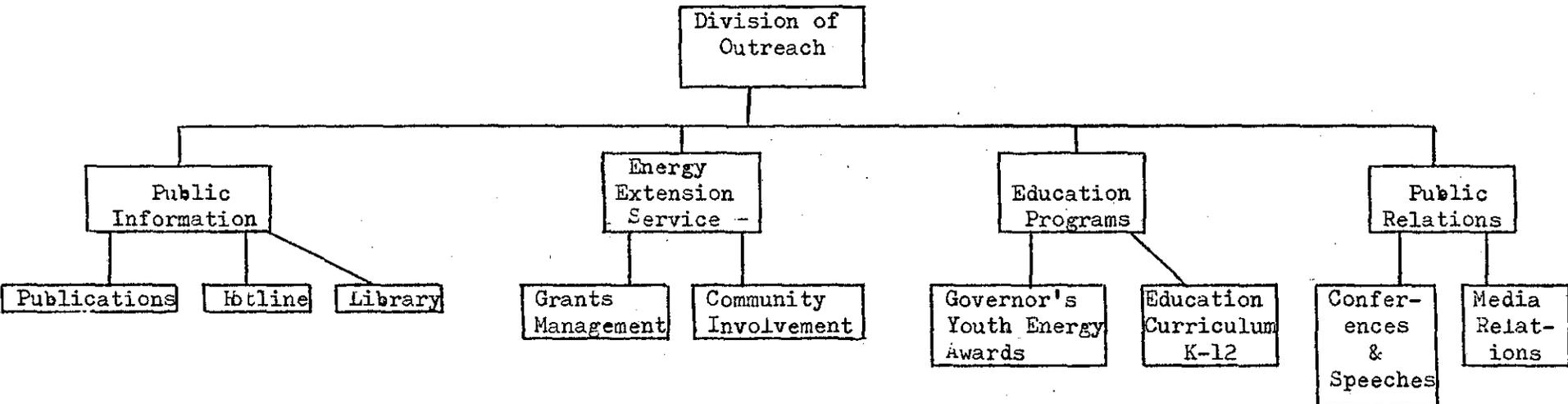
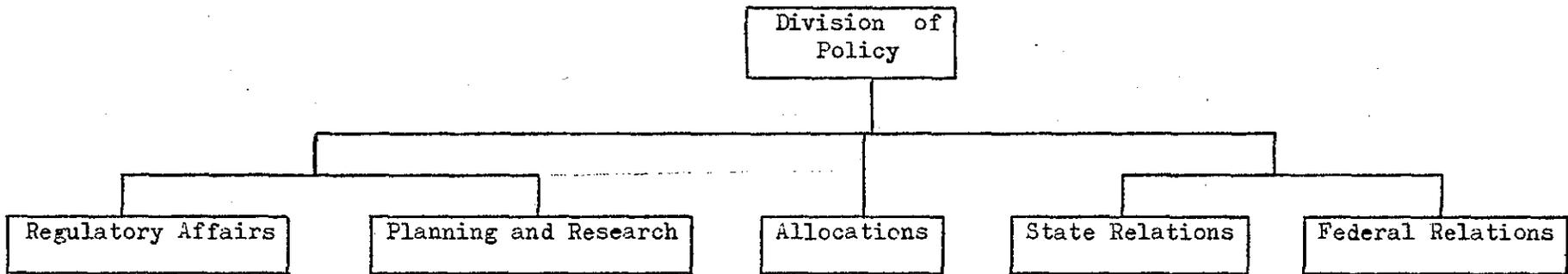


ARKANSAS



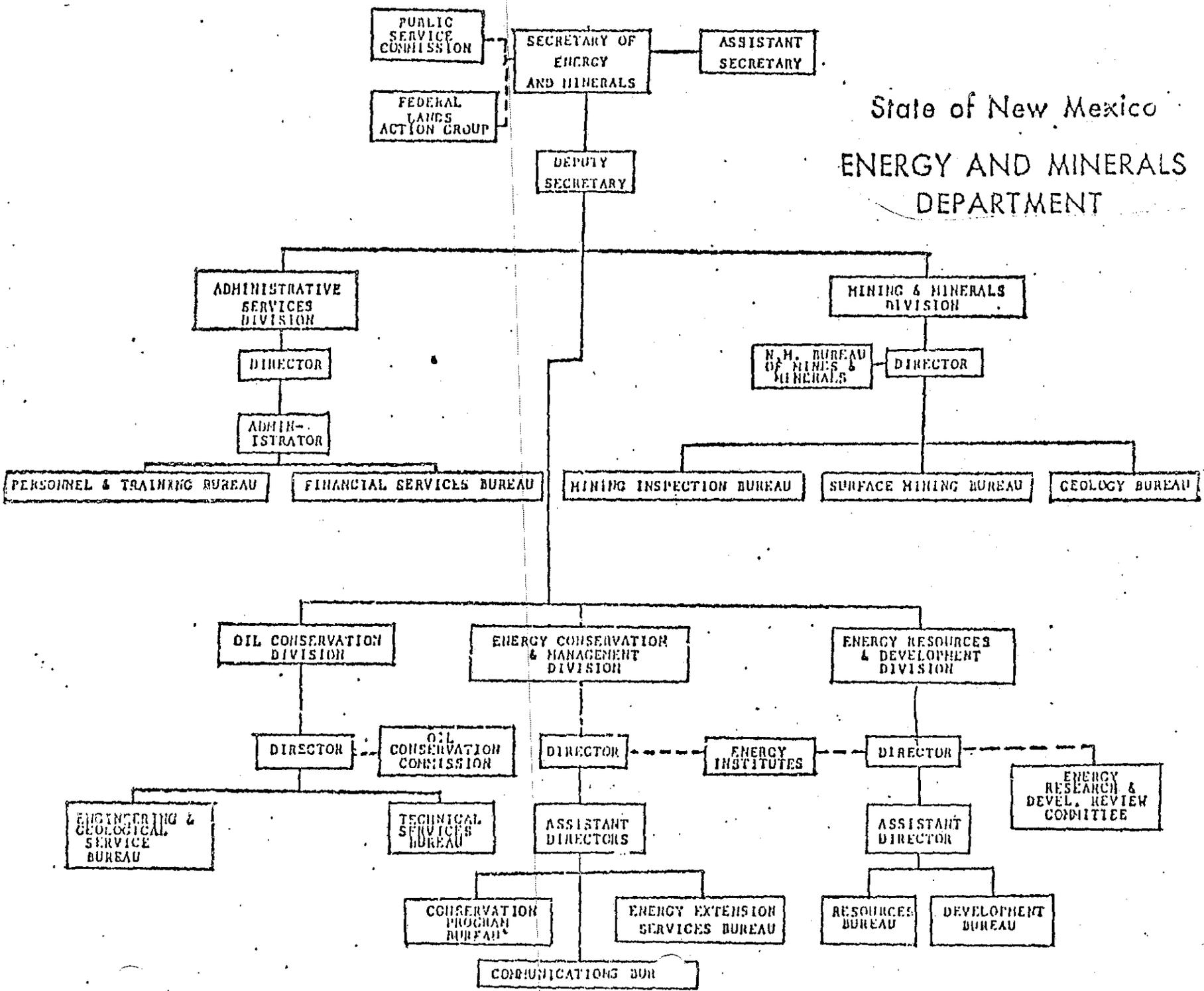
Source: Arkansas Department of Energy, received January 1980

ARKANSAS



Source: Arkansas Department of Energy, received January 1980.

# State of New Mexico ENERGY AND MINERALS DEPARTMENT

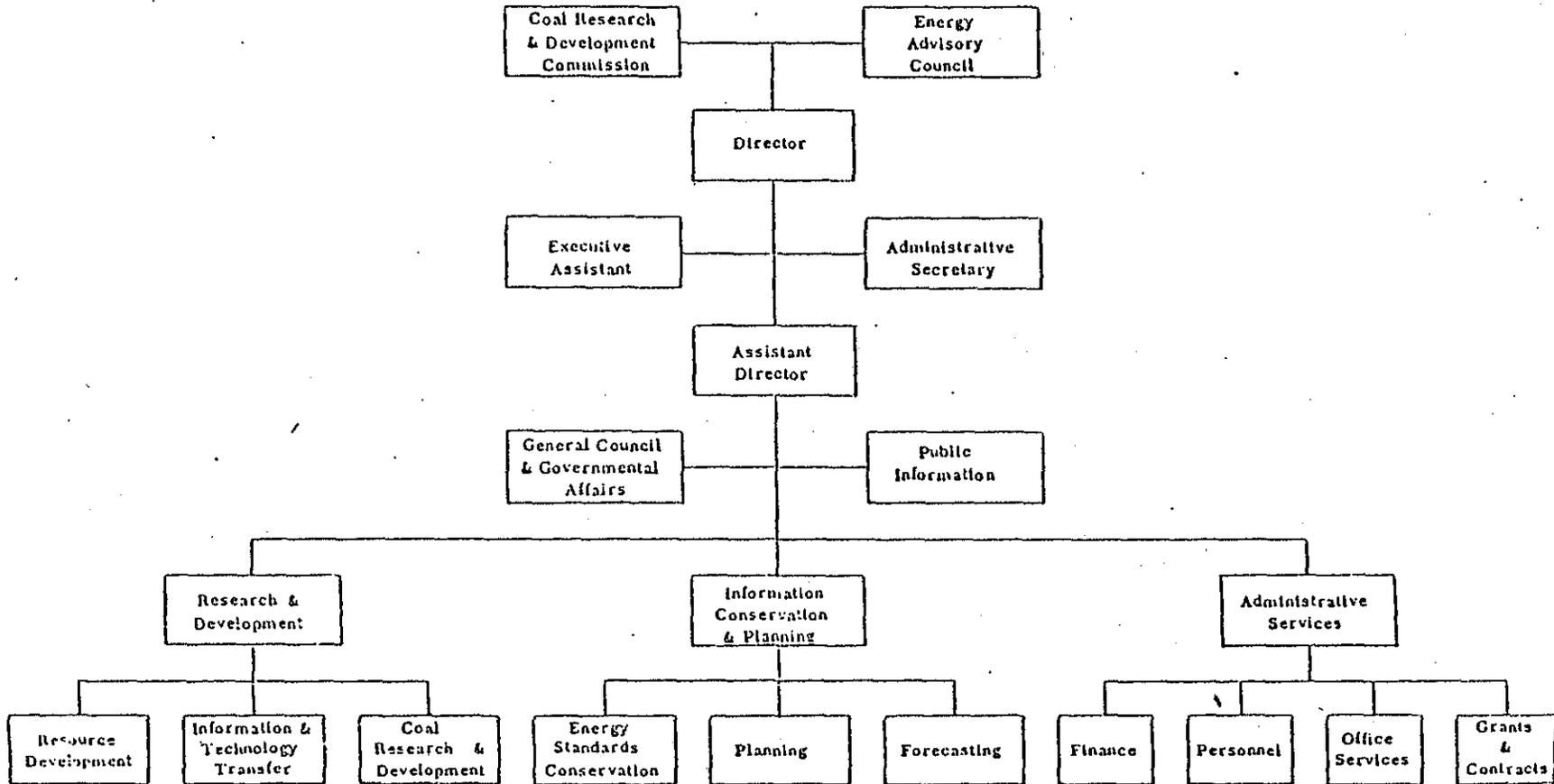


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Source: New Mexico Energy and Minerals Department, received January 1980.

OHIO

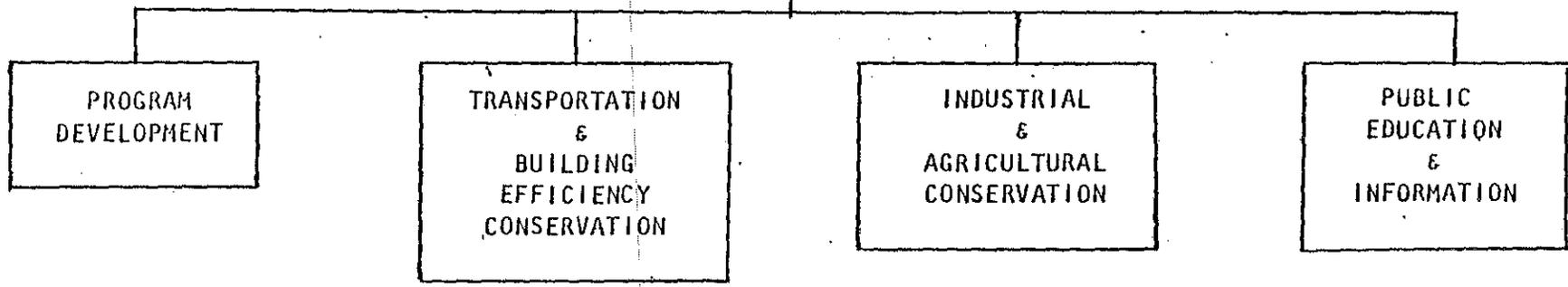
DEPARTMENT OF ENERGY



Source: Ohio Department of Energy, received January 1980.

OHIO

DIVISION  
OF  
CONSERVATION & STANDARDS



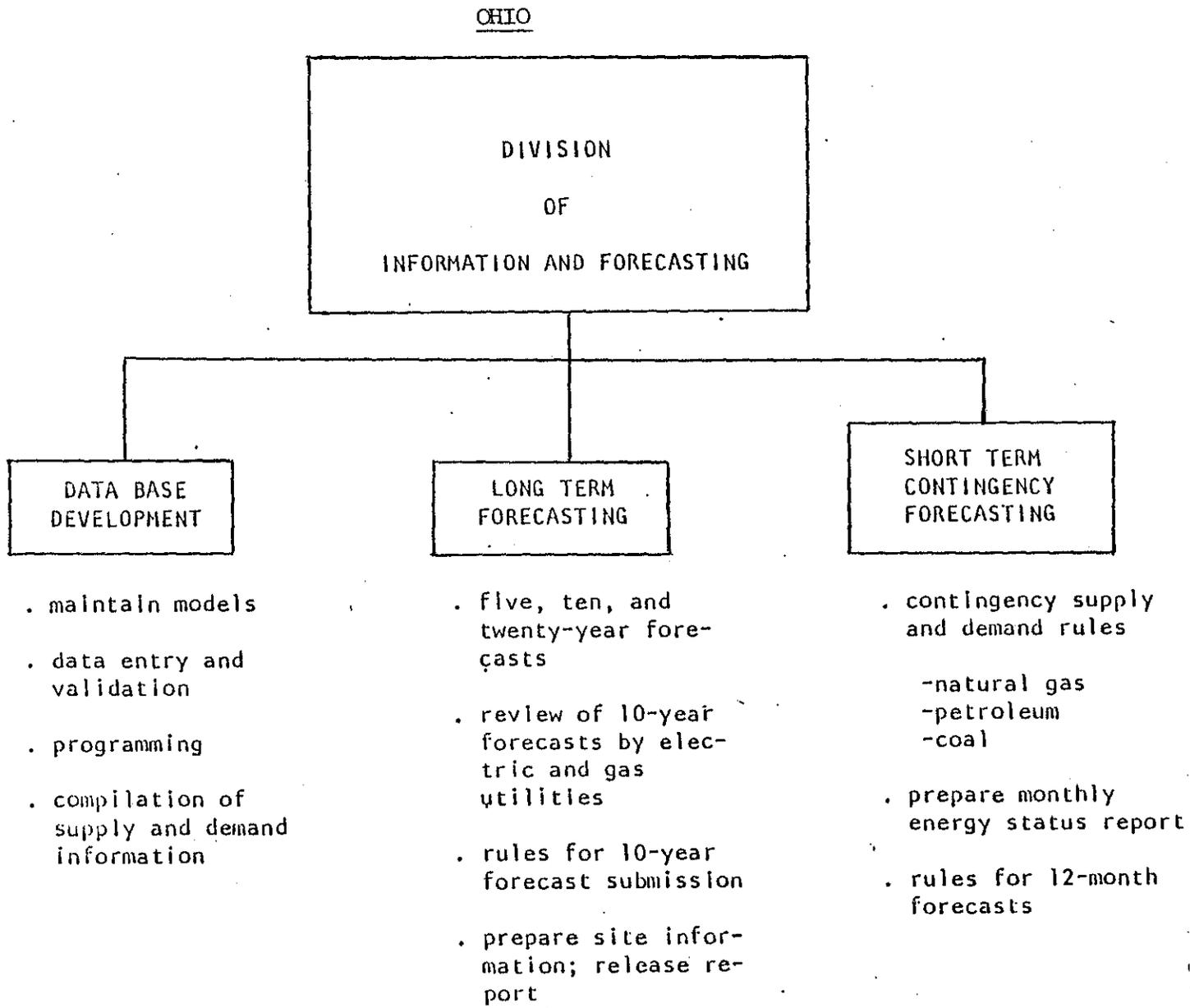
- . contract processing and management
- . report preparation
- . plan update and submission
- . cost and schedule monitoring
- . public hearings

- . lighting standards in buildings
- . thermal standards in buildings
- . carpool, vanpool, and public transportation
- . procurement
- . right-turn-on-red

- . resource recovery
- . combustion efficiency
- . agricultural energy conservation

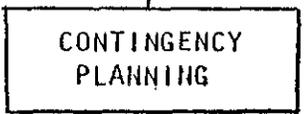
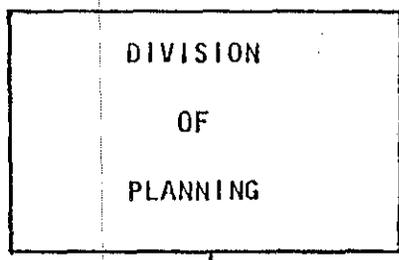
- . class C audits
- . library
- . public education
- . intergovernmental cooperation

Source: Ohio Department of Energy, received January 1980.

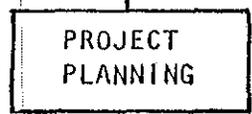


Source: Ohio Department of Energy, received January 1980.

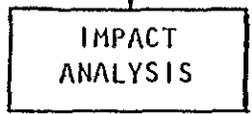
OHIO



- . allocation plans: coal and petroleum
- . contingency plans for:
  - petroleum products
  - coal
  - natural gas
  - electricity
- . federal state set-aside program



- . coastal energy impact program
- . energy-related planning between state and local agencies
- . A-95 review process
- . special planning projects



- . impact analysis of:
  - rate and price changes
  - environmental policies
  - transportation policies
  - manpower development
  - supply alternatives

LRB-80-WB-3

OREGON

Department of Energy  
ORGANIZATION CHART

DIRECTOR  
Lynn Frank

Energy Policy Review Committee

Energy Facility Siting Council

Alternate Energy Development Commission

Special Assistant (IPA)  
Michael Grainey

Annetta Jenks  
Mgmt. Asst. A

ALLOCATION  
Rich Baird  
Administrator  
(Program Exec. C)

ADMINISTRATIVE SERVICES  
Bill Sanderson  
Administrator  
(Program Exec. D)

CONSERVATION  
Jim Thompson  
Administrator  
(Program Exec. C)

RENEWABLE RESOURCES  
David Philbrick  
Administrator  
(Program Exec. C)

PLANNING  
Hussein Hassoun  
Administrator  
(Program Exec. D)

SITING AND  
REGULATION  
Don Godard  
Administrator  
(Civil Eng. Exec.)

- Loree Devery\* (Clerical Asst.)
- Geoff Ferrell (Admin. Asst. 2)
- Lynne Jacobsen (Mgmt. Asst. C)
- Pat Jones (Clerical Asst.)
- Terri Langford (Admin. Asst. 2)
- Laurel Feldman (Admin. Asst. 2)
- Joyce Smith\* (Clerical Asst.)
- Vacant (Clerical Spec.)
- Vacant (Clerical Spec.)
- Vacant (Clerical Spec.)

BUDGET & PERSONNEL  
Craig Prosser  
Supervisor  
(Business Mgr. B)

- Mariana Bornholdt (Res. Analyst 1)
- Ken Harris (Fiscal Mgr. A)
- Alice Judd\* (Clerical Spec.)
- Jean Knepper (Mgmt. Asst. B)
- Marie Wyllie (Acct. Clerk 2)

PUBLIC AFFAIRS  
Bev Hayes  
Info. Rep. 2

SUPPORT SERVICES  
Sharon Hanson  
Supervisor  
(Mgmt. Asst. B)

- Barbara Casner (Clerical Asst.)
- Sharon Dahle (Clerical Spec.)
- Marilyn Dawson (Secretary)
- Rhonda Grover (Clerical Asst.)
- Arlene Hogan\* (Clerical Spec.)
- Anita Lanning (Admin. Asst.)
- Sharon Rowe (Clerical Spec.)
- Charlotte Sawyer (Clerical Spec.)

- Mary Anderson (Civil Eng. 2)
- Saralynn Baker (Researcher 2)
- Larry Gray (Prog. Coord. 1)
- Bill Mackie\* (Nat. Res. Rep.)
- Marsha Mackie\* (Nat. Res. Rep.)
- Bill Nesmith (Prog. Exec. A)
- Kathy Peters (Admin. Asst. 3)
- Mary Smith (Nat. Res. Rep.)
- Vacant (Civil Eng. 3)

- Donald Bain (Env. Tech. 3)
- Linda Craig (Prog. Coord. 1)
- Richard Durham (Bio. Spec. IPA)
- Debra Justus (Prog. Analyst on contract from OIT)
- Carl Rempel (Civil Eng. 3)
- David Robison (Env. Tech. 3)
- Vacant (Prog. Coord. 1)
- Vacant (Prog. Coord. 1)
- Vacant (Civil Eng. 2)

- Mary Beth Corrigan (Res. Analyst 2)
- Jeffrey Fang (Researcher 6)
- John Savage\*\* (Researcher 3)
- Tom Wilson (Researcher 2)
- Vacant (Civil Eng. 3)

- Bill Dixon (Util. Eng. 3)
- Michael Pollock (Env. Spec. 4)
- Peter Paquet (Env. Spec. 3)
- Vacant (Env. Spec. 4)
- Vacant (Util. Eng. 3)

\*Job Share  
\*\*Underfilling a Researcher 4

### III. LOCATION IN STATE GOVERNMENT STRUCTURES OF OTHER ENERGY UNITS

#### State Energy Offices

|                |                            |
|----------------|----------------------------|
| Florida        | State Energy Office        |
| Georgia        | Office of Energy Resources |
| Hawaii         | State Energy Office        |
| Idaho          | State Office of Energy     |
| Kansas         | Kansas Energy Office       |
| Minnesota      | Energy Agency              |
| Nebraska       | State Energy Office        |
| South Carolina | Office of Energy Resources |
| South Dakota   | Energy Policy Office       |
| Virginia       | State Energy Office        |
| Washington     | State Energy Office        |
| Wyoming        | Energy Conservation Office |

#### Office of the Governor

|               |   |
|---------------|---|
| Arizona       | Energy Program Section, Governor's Office of Economic Planning & Development  |
| Colorado      | Office of Energy Conservation   |
| Delaware      | Governor's Energy Office  |
| Massachusetts | Energy Office   |
| Maine         | Office of Energy Resources, Executive Department                              |
| New Hampshire | Governor's Council on Energy  |
| New York      | Energy Office   |
| Pennsylvania  | Governor's Energy Council   |
| Rhode Island  | Energy Capability and Management, Governor's Energy Office                    |
| Texas         | Energy and Natural Resources Advisory Council                                 |
| Vermont       | State Energy Office   |
| West Virginia | Fuel & Energy Division, Governor's Office of Economic & Community Development |

#### Office of the Lieutenant Governor

|              |  |
|--------------|--|
| North Dakota | Office of Energy Management and Conservation |
|--------------|--|

#### Department of Administration

|           |                          |
|-----------|--------------------------|
| Wisconsin | Division of State Energy |
|-----------|--------------------------|

#### Department of Commerce

|                |                       |
|----------------|-----------------------|
| Indiana        | Energy Group          |
| Michigan       | Energy Administration |
| North Carolina | Energy Division       |

#### Department of Commerce and Economic Development

|        |  |
|--------|--|
| Alaska | Division of Energy and Power Development |
|--------|--|

#### Department of Conservation

|          |  |
|----------|--|
| Illinois | Division of Energy, Institute of Natural Resources |
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#### Department of Natural Resources

|             |   |
|-------------|---|
| Louisiana   | Department of Natural Resources                                   |
| Maryland    | Energy Office   |
| Mississippi | Office of Energy  |
| Montana     | Energy Division, Department of Natural Resources and Conservation |
| Utah        | Energy Office   |

#### Miscellaneous Agencies

|             |  |
|-------------|--|
| Alabama     | Energy Management Board  |
| California  | Energy Resources Conservation & Development Commission, Resources Agency |
| Connecticut | Energy Division, Office of Policy and Management                         |
| Iowa        | Energy Policy Council  |
| Missouri    | Missouri Energy Program  |
| Tennessee   | Energy Authority   |