WEST VIRGINIA CODE CHAPTER 5b ARTICLE 2F

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§5B-2F-1. Short title.

This article shall be known and cited as the Comprehensive Energy Policy and Development Plan Act of 2026.

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§5B-2F-1a. Definitions.

For purposes of this article:

(1) "Director" means the Director of the West Virginia Office of Energy.

(2) "Office" means the West Virginia Office of Energy.

(3) "Pipeline" or "pipelines" means any actual lines of pipe for the transmission and distribution of natural gas together with all appurtenances, facilities, structures, equipment, machinery and other items related to the transmission and distribution of gas through lines of pipe.

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§5B-2F-2. Purpose; Office of Energy; Development of Comprehensive Energy Policy.

(a) West Virginia and the nation are in need of energy that is reliable, efficient, affordable and locally produced. To meet this need, the Office of Energy shall develop a long-lasting energy solution that embraces all forms of energy including, without limitation, coal, natural gas, nuclear energy, hydropower, hydrogen, and geothermal energy, by developing a comprehensive energy policy that emphasizes:

(1) Increased reliability from stable baseload generation;

(2) Increased efficiency through innovation;

(3) Low-cost energy as the bedrock of economic development; and

(4) Energy independence and security through increased domestic production.

(b) The Office of Energy shall develop an energy policy and shall report the same back to the Governor and the Joint Committee on Government and Finance before December 1, 2026. The energy policy shall set forth the state's energy policies through at least 2050 and shall provide a direction for the private sector. The Office may amend this policy at any time to reflect changes in energy opportunities. Prior to the expiration of the energy policy, the Office of Energy shall begin review of the policy and submit a revised energy policy to the Governor and the Joint Committee on Government and Finance six months before the expiration of the policy.

(c) The Comprehensive Energy Policy developed by the Office of Energy and submitted to the Governor and the Joint Committee on Government and Finance shall provide recommendations that at a minimum:

(1) Prioritize baseload generation over intermittent generation;

(2) Allow the state's existing coal-fired power plants to remain fully operational through at least 2050;

(3) Develop a strategy for developing baseload electricity generating projects throughout the state, including, but not limited to, coal, natural gas, nuclear, hydropower, and hydrogen, geothermal;

(4) Set a goal of;

(A) Increasing the state's current baseload generating capacity from 16 gigawatts to at least 50 gigawatts by 2050; and

(B) Making West Virginia the leading per-capita generator, situs of commercial and industrial users, and exporter of electricity in the nation by 2050;

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(5) Expand the international market for West Virginia coal and develop economical uses for West Virginia coal in addition to its use in electricity generation and steel manufacturing;

(6) Create a robust in-state market for natural gas through increased manufacturing and electricity generation;

(7) Address the need for sufficient electricity transmission lines and natural gas pipelines to support the increase in baseload electricity generation; and

(8) Suggest the placement of natural gas pipelines and electricity transmission lines in locations throughout the state that lack sufficient access to electricity or natural gas and in locations where access to increased supplies of electricity or natural gas will spur manufacturing or other economic development.

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§5B-2F-2a. Comprehensive Energy Plan

(a) The Office of Energy shall prepare and submit a five-year energy development plan to the Governor and the Joint Committee on Government and Finance on or before December 1 of 2026 and every five years thereafter. The development plan shall identify how the office anticipates implementing the state's energy policy during the subsequent five-year period, as well as the policies enacted and actions taken in the previous five-year period in furtherance of said policy. The development plan shall provide direction for the private sector and shall include any recommended legislation. The Department of Environmental Protection and the Public Service Commission, in addition to their other duties prescribed by this code, shall assist the office in the development of an energy policy and related development plans. The energy development plan shall recognize the powers of the office as to development and financing of projects under its jurisdiction and shall make such recommendations as are reasonable and practicable for the exercise of such powers.

(b) The energy policy and development plans required by §5B-2F-1 and §5B-2F-2 of this code shall further identify and report on the energy infrastructure in this state and include without limitation energy infrastructure related to protecting the state's essential data, information systems and critical government services in times of emergency, inoperativeness or disaster. In consultation with the Secretary of the Department of Homeland Security and the Director of the Division of Emergency Management, the office shall encourage the development of energy infrastructure and strategic resources that will ensure the continuity of governmental operations in situations of emergency, inoperativeness or disaster.

(c) In preparing or revising the energy policy and development plan, the office may rely upon internal staff reports or the advice of outside advisors or consultants and may procure such services with the consent of the Secretary of Commerce. The Office of Energy may also involve national, state and local government leadership and energy experts.

(d) Any documentary material, data or other writing made or received by the Office of Energy or other public body for the purposes of preparing the energy policy and development plan is exempt from the Freedom of Information Act under § 29B-1-1 *et seq*. of this code.

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§5B-2F-3. Stakeholder Meetings.

The office may hold regular scheduled meetings with stakeholders including from various industries, policy groups, energy developers, utility companies, mineral owners, and private citizens to receive public input on its energy policies and development plans.

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§5B-2F-4. Rulemaking.

The office may propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code as needed to implement an energy policy and development plan in accordance with the provisions of this chapter.

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§5B-2F-5. Disclosure of energy usage.

[Repealed]

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