WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1974

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ENROLLED
Committee Substitute
for
HOUSE BILL No. 122

(By Mr. Seibert)

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PASSED July 3, 1974
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 122

(By Mr. Seibert)

[Passed July 3, 1974; in effect ninety days from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seventeen, establishing the West Virginia commission on energy, economy and environment; setting forth certain legislative findings in connection therewith; providing legislative objectives and purposes; relating to the composition of such commission and the terms and qualifications of citizen representatives on such commission; vacancies, office space, the office of chairman, meetings and quorum; providing for a coordinator and other personnel of such commission; relating to the powers and duties of such coordinator; the expenses of members, the coordinator and other personnel; and regional and local offices of such commission; setting forth the powers and authority of such commission; providing an expiration date for such article; requiring reports to the joint committee on government and finance; and relating to construction of article and the severability thereof.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seventeen, to read as follows:
ARTICLE 17. WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.

§5-17-1. Legislative purpose and findings.

The Legislature declares that given the increasing demand for energy resources concurrent with the constriction of supply and assured availability thereof, given the fundamental dependence of economic growth and social progress upon the supply of energy resources, given the economic and social hardships coincident with energy shortages and given the abundant fossil fuel reserves located within our state, the Legislature finds that West Virginia must play a significant role in helping to alleviate critical energy problems throughout the nation. In order to fulfill that role, the Legislature finds it necessary and desirable to create an agency within the state government, the functions of which shall be to actively promote and foster research designed to achieve cleaner and more efficient fuels, to ascertain the volume of natural resources now existing in West Virginia, to categorize these fuels according to their importance and their potential uses, to insure the equitable allocation of specific petroleum products and other fuels, to advise the various state governmental units having energy related responsibilities, to provide a mechanism for citizen participation in the overall development of statewide energy policies and to begin the formulation of specific proposals for future legislative consideration with respect to a state energy policy and program.

§5-17-2. Creation and composition.

There is hereby created the “West Virginia Commission on Energy, Economy and Environment,” hereinafter referred to as the “commission.” The commission shall consist of nineteen members, as follows: Eleven members, herein referred to as government representatives, who shall be the tax commissioner, the commissioner of commerce, the finance and administration commissioner, the oil and gas conservation commissioner, the director of the department of mines, the director of the department of natural resources, the director of the geological and economic survey commission, the director of the air pollution control commission, the chairman of the public service commission, a representative from the board of regents, and a representative of the governor; and eight additional citizens of
the state, herein referred to as citizen representatives, no more
than four of whom shall belong to the same political party.
The president of the Senate and the speaker of the House of
Delegates shall appoint the eight citizen representative mem-
ers of the commission.

§5-17-3. Terms of citizen representatives; vacancies.
The citizen representatives shall be appointed for terms of
one year each, and until their successors have been appointed
and have qualified. Any vacancy as to a citizen representative
shall be filled by appointment by the president of the Senate
and the speaker of the House of Delegates, for the unexpired
term of such citizen representative.

§5-17-4. Office space, officers; meetings.
The commission shall be supplied with necessary office space
at the seat of government. A majority of the members of the
commission shall constitute a quorum for the transaction of its
business. The governor shall appoint, from among the mem-
ers, a chairman of the commission who shall call meetings.
The chairman may call and preside over a meeting of the com-
mission at any time, and he shall call a meeting of the com-
mission upon the written request of the coordinator. A ma-
jority of the commission members present at a meeting shall
be required to determine any issues brought before it.

§5-17-5. Expenses of commission members.
Each member of the commission shall be reimbursed for all
reasonable and necessary expenses actually incurred in the per-
formance of his duties as a member of the commission. Requi-
sition for such expenses shall be accompanied by a sworn and
itemized statement which shall be filed with the auditor.

§5-17-6. Coordinator; compensation and general powers; personnel;
establishment of regional offices.
(a) The commission shall appoint a coordinator of the com-
mission, fix his salary and instruct him regarding his duties and
authority under this article. The coordinator is hereby empow-
ered and it shall be his duty to execute and carry out, adminis-
ter and enforce the provisions of this article in the manner pro-
vided herein. The coordinator may, subject to the approval of
the commission, employ such personnel as may be necessary
for the effective and orderly performance of the functions and
services of the commission. The coordinator and other com-
mmission personnel shall be reimbursed for all reasonable and
necessary expenses actually incurred in the performance of
commission services upon presentation of properly verified
expense accounts as prescribed by law.

(b) The commission may establish, maintain and staff re-
gional and local offices within the state as determined by the
commission to be necessary for the effective and orderly per-
formance of the functions and services of the commission.

§5-17-7. Commission powers.

The commission is hereby authorized and empowered to:

(1) Evaluate and assess energy policies and their impact
upon the economy and the environment and make recommen-
dations thereon to the governor and the Legislature;

(2) Promote energy conservation measures;

(3) Cooperate and work with federal, state and local
governmental officers, units, activities and agencies in the
promotion and attainment of the goals of the commission;

(4) Enlist the cooperation of public utilities, civic and
community organizations, industrial and commercial organi-
zations, labor organizations and other identifiable groups
in order to develop and implement programs which further
the goals of the commission;

(5) Advise all state departments and agencies in energy
related activities:

(6) Fund the state fuels allocation program;

(7) Allocate all energy as required by now existing or
hereafter enacted federal regulations or laws, and in con-
nection therewith, to receive, investigate and pass upon fuel
allocation petitions, requests and complaints as set forth in
now existing or hereafter enacted federal regulations or laws;
(8) Establish procedures for the fair and equitable review of such fuel allocation petitions, requests and complaints;

(9) Hold and conduct public hearings on requests, petitions, complaints, matters and questions before the commission, where jurisdiction has not been assumed by any other state agency;

(10) Delegate to the coordinator powers necessary for the effective and orderly performance of his duties;

(11) Fund and initiate research and development efforts related to energy, economy or the environment;

(12) Fund and initiate economic and geological surveys and studies;

(13) For the purposes of this article, accept contributions and gifts and seek and accept aid, grants and other financial assistance from any source whatsoever; and

(14) Seek and gather information and data necessary for the formulation of energy, economic and environmental policies.

§5-17-8. Expiration of article.

Unless hereafter extended by the Legislature, the provisions of this article shall expire on and be of no further force and effect on and after June thirtieth, one thousand nine hundred seventy-five.

§5-17-9. Reports to joint committee on government and finance.

In order for the Legislature to determine whether the provisions of this article should be extended beyond June thirtieth, one thousand nine hundred seventy-five, the commission shall, on or before January twentieth, one thousand nine hundred seventy-five, submit to the joint committee on government and finance a report of its activities, projects and accomplishments and of its planned future activities and projects. A final report of the commission's activities, projects and accomplishments to June thirtieth, one thousand nine hundred seventy-five, shall be submitted to the joint committee on government and finance on or before July twenty-first, one thousand nine hundred seventy-five.
§5-17-10. Construction; severability.

1 The provisions of this article shall be liberally construed to accomplish its objectives and purposes. If any section, subsection, subdivision, subparagraph, sentence, or clause of this article is adjudged to be unconstitutional or invalid, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this article and, to this end, the provisions of this article are hereby declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ____________ this the ____________ day of ____________, 1974.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date  7/12/74
Time  11:05a.m.