

WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1974

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ENROLLED
Committee Substitute
for
HOUSE BILL No. 122

(By Mr. Seibert)

— ● —

PASSED July 3, 1974

In Effect 90 days from Passage



FILED IN THE OFFICE
ROGAR F. WICKELL III
SECRETARY OF STATE
THIS DATE 7/19/74

122

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.

1 The Legislature declares that given the increasing demand
2 for energy resources concurrent with the constriction of supply
3 and assured availability thereof, given the fundamental depen-
4 dence of economic growth and social progress upon the supply
5 of energy resources, given the economic and social hardships
6 coincident with energy shortages and given the abundant fossile
7 fuel reserves located within our state, the Legislature finds that
8 West Virginia must play a significant role in helping to alle-
9 viate critical energy problems throughout the nation. In order
10 to fulfill that role, the Legislature finds it necessary and desir-
11 able to create an agency within the state government, the
12 functions of which shall be to actively promote and foster re-
13 search designed to achieve cleaner and more efficient fuels, to
14 ascertain the volume of natural resources now existing in West
15 Virginia, to categorize these fuels according to their importance
16 and their potential uses, to insure the equitable allocation of
17 specific petroleum products and other fuels, to advise the var-
18 ious state governmental units having energy related responsibil-
19 ities, to provide a mechanism for citizen participation in the
20 overall development of statewide energy policies and to begin
21 the formulation of specific proposals for future legislative con-
22 sideration with respect to a state energy policy and program.

§5-17-2. Creation and composition.

1 There is hereby created the "West Virginia Commission on
2 Energy, Economy and Environment," hereinafter referred to as
3 the "commission." The commission shall consist of nineteen
4 members, as follows: Eleven members, herein referred to as
5 government representatives, who shall be the tax commissioner,
6 the commissioner of commerce, the finance and administration
7 commissioner, the oil and gas conservation commissioner, the
8 director of the department of mines, the director of the depart-
9 ment of natural resources, the director of the geological and
10 economic survey commission, the director of the air pollu-
11 tion control commission, the chairman of the public service
12 commission, a representative from the board of regents, and a
13 representative of the governor; and eight additional citizens of

14 the state, herein referred to as citizen representatives, no more
15 than four of whom shall belong to the same political party.
16 The president of the Senate and the speaker of the House of
17 Delegates shall appoint the eight citizen representative mem-
18 bers of the commission.

§5-17-3. Terms of citizen representatives; vacancies.

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

§5-17-4. Office space, officers; meetings.

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

§5-17-5. Expenses of commission members.

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

**§5-17-6. Coordinator; compensation and general powers; personnel;
establishment of regional offices.**

1 (a) The commission shall appoint a coordinator of the com-
2 mission, fix his salary and instruct him regarding his duties and
3 authority under this article. The coordinator is hereby empow-
4 ered and it shall be his duty to execute and carry out, adminis-
5 ter and enforce the provisions of this article in the manner pro-

6 vided herein. The coordinator may, subject to the approval of
7 the commission, employ such personnel as may be necessary
8 for the effective and orderly performance of the functions and
9 services of the commission. The coordinator and other com-
10 mission personnel shall be reimbursed for all reasonable and
11 necessary expenses actually incurred in the performance of
12 commission services upon presentation of properly verified
13 expense accounts as prescribed by law.

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

§5-17-7. Commission powers.

1 The commission is hereby authorized and empowered to:

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

5 (2) Promote energy conservation measures;

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

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

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

16 (6) Fund the state fuels allocation program;

17 (7) Allocate all energy as required by now existing or
18 hereafter enacted federal regulations or laws, and in con-
19 nexion therewith, to receive, investigate and pass upon fuel
20 allocation petitions, requests and complaints as set forth in
21 now existing or hereafter enacted federal regulations or laws;

22 (8) Establish procedures for the fair and equitable review
23 of such fuel allocation petitions, requests and complaints;

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

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

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

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

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

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

§5-17-8. Expiration of article.

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

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

1 In order for the Legislature to determine whether the pro-
2 visions of this article should be extended beyond June thir-
3 tieth, one thousand nine hundred seventy-five, the commis-
4 sion shall, on or before January twentieth, one thousand nine
5 hundred seventy-five, submit to the joint committee on govern-
6 ment and finance a report of its activities, projects and accom-
7 plishments and of its planned future activities and projects.
8 A final report of the commission's activities, projects and ac-
9 complishments to June thirtieth, one thousand nine hundred
10 seventy-five, shall be submitted to the joint committee on gov-
11 ernment and finance on or before July twenty-first, one thou-
12 sand nine hundred seventy-five.

§5-17-10. Construction; severability.

1 The provisions of this article shall be liberally construed to
2 accomplish its objectives and purposes. If any section, sub-
3 section, subdivision, subparagraph, sentence, or clause of this
4 article is adjudged to be unconstitutional or invalid, such in-
5 validity or unconstitutionality shall not affect the validity of
6 the remaining portions of this article and, to this end, the
7 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.

H. Laurel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. I. Brotherton, Jr.
President of the Senate

Lewis N. W. Maun
Speaker House of Delegates

The within approved this the 18th
day of July, 1974.

Arba A. Sharrif, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 7/12/74

Time 11:05a.m.