

FILED

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WEST VIRGINIA LEGISLATURE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010**

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 518

(SENATORS McCABE, CARUTH, BROWNING, BARNES,
HALL, SYPOLT, DEEM, BOLEY, GUILLS, K. FACEMYER,
MINARD, PLYMALE, WELLS, STOLLINGS, JENKINS,
EDGELL, WILLIAMS, D. FACEMIRE, PALUMBO, GREEN,
TOMBLIN (MR. PRESIDENT), YOST, FANNING, HELMICK,
WHITE, KESSLER, CHAFIN, LAIRD, UNGER, SNYDER,
PREZIOSO, FOSTER AND OLIVERIO, *original sponsors*)

[Passed March 13, 2010; to take effect July 1, 2010.]

SB 518

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CLERK OF COURSE
SECRETARY OF STATE

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UNGER, SNYDER, PREZIOSO, FOSTER AND OLIVERIO, *original sponsors*)

[Passed March 13, 2010; to take effect July 1, 2010.]

AN ACT to amend and reenact §5B-2F-2 of the Code of West Virginia, 1931, as amended, relating to the duties of the Division of Energy and the Office of the Director for Energy Development.

Be it enacted by the Legislature of West Virginia:

That §5B-2F-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 2F. DIVISION OF ENERGY.

§5B-2F-2. Purpose; office of Director for Energy Development; director to be member of Public Energy Authority; division to develop energy policy and development plan; contents of energy policy and development plan; and division to promote energy initiatives.

1 (a) Effective July 1, 2007, the Division of Energy is
2 created as a state agency under the Department of Com-
3 merce. The division may receive federal funds. The
4 division shall be administered by a director, who shall be
5 appointed by the Governor, by and with the advice and
6 consent of the Senate, and shall continue to serve until his
7 or her successor is appointed and qualified as provided.
8 The director shall be selected with special preference and
9 consideration given to his or her training, experience,
10 capacity and interest in energy policy and development
11 activities.

12 (b) Creation of the division is intended to provide
13 leadership for developing energy policies emphasizing the
14 increased efficiency of energy use, the increased develop-
15 ment and production of new and existing domestic energy
16 sources, the increased awareness of energy use on the
17 environment and the economy, dependable, efficient and
18 economical statewide energy systems capable of support-
19 ing the needs of the state, increased energy self-sufficiency
20 where the ratio of indigenous to imported energy use is
21 increased, reduce the ratio energy consumption to eco-
22 nomic activity and maintain low-cost energy. The energy
23 policies and development plans shall also provide direc-
24 tion for the private sector.

25 (c) The director shall administer the daily operations of
26 the Public Energy Authority provided under the provisions
27 of chapter five-d of this code. The director shall also have
28 authority over the Office of Coalfield Community Devel-
29 opment, created by the provisions of article two-a of this

30 chapter, and the energy efficiency program existing under
31 the West Virginia Development Office which are hereby
32 transferred to the division. The director shall effectuate
33 coordination of these entities relative to the purposes
34 provided in this article.

35 (d) The division shall develop an energy policy and shall
36 report the same back to the Governor and the Joint
37 Committee on Government and Finance before December
38 1, 2007. The energy policy shall be a five-year plan setting
39 forth the state's energy policies and shall provide a
40 direction for the private sector. Prior to the expiration of
41 the energy policy, the division shall begin review of the
42 policy and submit a revised energy policy to the Governor
43 and the Joint Committee on Government and Finance six
44 months before the expiration of the policy.

45 (e) The director shall be a member of the Public Energy
46 Authority and as such shall attend and participate in all
47 official meetings and public hearings conducted under the
48 auspices of the authority.

49 (f) The division shall prepare and submit an annual
50 energy development plan to the Governor and the Joint
51 Committee on Government and Finance on or before
52 December 1, of each year. The development plan shall
53 relate to the division's implementation of the energy policy
54 and the activities of the division during the previous year.
55 The development plan shall include any recommended
56 legislation. The Public Energy Authority, the Office of
57 Coalfield Community Development, the energy efficiency
58 program, the Department of Environmental Protection
59 and the Public Service Commission, in addition to their
60 other duties prescribed by this code, shall assist the
61 division and the director in the development of an energy
62 policy and related development plans. The energy devel-
63 opment plan shall set forth the plans for implementing the
64 state's energy policy and shall provide a direction for the

65 private sector. The energy development plan shall recog-
66 nize the powers of the Public Energy Authority as to
67 development and financing of projects under its jurisdic-
68 tion and shall make such recommendations as are reason-
69 able and practicable for the exercise of such powers.

70 (g) The division shall hold public hearings and meetings
71 with notice to receive public input regarding proposed
72 energy policies and development plans. The energy policy
73 and development plans required by subsections (d) and (f)
74 of this section shall address increased efficiency of energy
75 use, traditional and alternative energy, water as a resource
76 and a component of energy production, energy distribution
77 systems, the siting of energy facilities, the increased
78 development and production of new and existing domestic
79 energy sources, increased awareness of energy use on the
80 environment and the economy, energy infrastructure, the
81 development and implementation of renewable, clean,
82 technically innovative and advanced energy projects in
83 this state. Projects may include, without limitation, solar
84 and wind energy, low-impact hydro power, geothermal,
85 biomass, landfill gas, fuel cells, renewable hydrogen fuel
86 technologies, waste coal, coal mine methane, coal gasifica-
87 tion to ultraclean fuels, solid waste to fuel grade ethanol
88 and coal liquefaction technologies.

89 (h) The division may propose rules for legislative ap-
90 proval in accordance with the provisions of article three,
91 chapter twenty-nine-a of this code designed to implement
92 an energy policy and development plan in accordance with
93 the provisions of this chapter.

94 (i) The energy policy and development plans required by
95 subsections (d) and (f) of this section shall identify and
96 report on the energy infrastructure in this state and
97 include without limitation energy infrastructure related to
98 protecting the state's essential data, information systems
99 and critical government services in times of emergency,

100 inoperativeness or disaster. In consultation with the
101 Director of the Division of Homeland Security and
102 Emergency Management, the director of the division shall
103 encourage the development of energy infrastructure and
104 strategic resources that will ensure the continuity of
105 governmental operations in situations of emergency,
106 inoperativeness or disaster.

107 (j) In preparing or revising the energy policy and devel-
108 opment plan, the division may rely upon internal staff
109 reports or the advice of outside advisors or consultants
110 and may procure such services with the consent of the
111 Secretary of Commerce. The division may also involve
112 national, state and local government leadership and
113 energy experts.

114 (k) The division shall prepare an energy use database,
115 including without limitation, end-use applications and
116 infrastructure needs for different classes of energy users
117 including residential, commercial and industrial users,
118 data regarding the interdependencies and sources of
119 electricity, oil, coal, water and gas infrastructure, data
120 regarding energy use of schools and state-owned facilities
121 and collect data on the impact of the energy policy and
122 development plan on the decisions and strategies of energy
123 users of the state.

124 (l) The division shall promote collaboration between the
125 state's universities and colleges, private industry and
126 nonprofit organizations to encourage energy research and
127 leverage available federal energy research and develop-
128 ment resources.

129 (m) The division shall promote initiatives to enhance the
130 nation's energy security through research and develop-
131 ment directed at transforming the state's energy resources
132 into the resources that fuel the nation.

133 (n) The Performance Evaluation and Research Division
134 of the Legislative Auditor's office shall perform an agency

135 review of the Division of Energy in 2010 as part of its
136 review of the Department of Commerce as set forth in
137 article four, chapter ten of this code.

138 (o) The division shall work with the President of the
139 United States and his or her administration to develop a
140 plan that would allow West Virginia to become the leader
141 in transitioning the United States to a new energy future.

142 (p) The division is to determine the best way for West
143 Virginia to utilize its resources and any federal funding to
144 develop the technologies that are necessary for such a
145 transition.

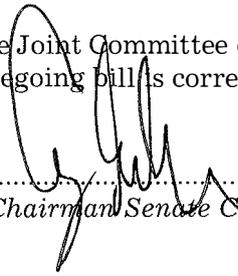
146 (q) The division is to clearly articulate West Virginia's
147 position on an energy solution for the United States that
148 encompasses clean coal, natural gas, transtech energy
149 technologies and renewable energy technologies.

150 (r) The division shall develop and distribute an informa-
151 tional program and policies that emphasize the impor-
152 tance of West Virginia energy resources and their positive
153 impact on the eastern seaboard and the nation.

154 (s) The division shall monitor legal challenges to the
155 energy industries in the state and submit a report quar-
156 terly to the Joint Committee on Government and Finance.
157 The report shall contain information relating to any
158 litigation that challenges any statute that could affect the
159 production, distribution and utilization of natural re-
160 sources of the state.

7 [Enr. Com. Sub. for Com. Sub. for S. B. No. 518

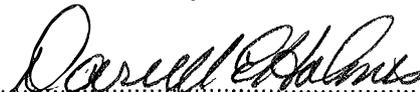
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 2010.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is appended* this the *6th*
Day of *April*, 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10p