

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill Number**

BY ENTER SPONSORS HERE

[Office of Energy Consolidation]

1 A BILL to repeal §5B-2A-10, §5B-2A-14, §5B-2O-1, §5B-2O-2, §5B-2O-3, §5B-2O-4, §5D-1-2,  
2 §5D-1-3, §5D-1-4, §5D-1-5, §5D-1-5a, §5D-1-5b, §5D-1-5c, §5D-1-6, §5D-1-7, §5D-1-8,  
3 §5D-1-9, §5D-1-10, §5D-1-11, §5D-1-12, §5D-1-13, §5D-1-14, §5D-1-15, §5D-1-16, §5D-  
4 1-17, §5D-1-18, §5D-1-19, §5D-1-20, §5D-1-21, §5D-1-22, §5D-1-23, of the Code of West  
5 Virginia, 1931, as amended; to amend and reenact §5B-2A-1, §5B-2A-3, §5B-2A-4, §5B-  
6 2A-9, §5B-2A-12, §5B-2F-1, §5B-2F-2, §5B-2F-3, §5B-2F-4, §5B-2F-5, §5B-2H-2, §5B-  
7 2J-2, §5B-2N-1, §5B-2N-2, §5B-2N-3, §5B-2N-4, §5D-1-1 of said code; and to amend said  
8 code by adding thereto new sections, designated §5B-2F-1a, §5B-2F-2a, §5B-2N-1a,  
9 §5B-2N-2b, §5B-2N-4a, §5B-2N-5, §5B-2N-6, all relating to the consolidation and  
10 development of a comprehensive energy development policy and plan under the direction  
11 of the West Virginia Office of Energy; transferring the Office of Coalfield Community  
12 Development as a program within the Office of Energy; eliminating annual report of the  
13 Office of Coalfield Community Development; eliminating the sunset date of the Office of  
14 Coalfield Community Development; establishing the Comprehensive Energy Policy and  
15 Development Plan Act of 2026; eliminating outdated and misaligned duties of the Office  
16 of Energy; repurposing the Office of Energy with developing a long-lasting energy policy  
17 that embraces coal, natural gas, nuclear, hydropower, hydrogen, and geothermal sources  
18 of energy that emphasizes stability, efficiency, innovation, stable baseload generation, low  
19 cost, independence, and security; eliminating the Office of Energy's responsibility to  
20 develop an energy savings contracting program; empowering the Office of Energy to hold  
21 stakeholder meetings to develop a comprehensive energy plan and policy; granting the  
22 Office of Energy rulemaking powers; requiring existing power plants to obtain the Office  
23 of Energy's approval prior to undertaking any decommissioning or deconstructing  
24 activities; including the Office of Energy in the list of agencies empowered to assist in the  
25 growth of the Marcellus gas and natural gas liquid industries; repealing Coal Fired Grid  
26 Stabilization Act of 2023 and merging its elements into the newly created Comprehensive

27 Grid Stabilization and Energy Security Act of 2026; creating definitions for the act; directing  
28 the Office of Energy to develop strategies for developing coal, geothermal, hydrogen,  
29 hydropower, natural gas, and nuclear fueled energy; directing the Office of Energy to  
30 submit an annual report of its findings and recommendations; authorizing the Office of  
31 Energy to identify and designate suitable sites for coal, geothermal, hydrogen,  
32 hydropower, natural gas, or nuclear electric generation projects; authorizing the Office of  
33 Energy to develop and adopt criteria for energy-ready community designations for local  
34 governments; directing the Office of Energy to develop a state energy security plan and  
35 to conduct energy emergency exercises to access the state's energy emergency  
36 readiness; and terminating the Public Energy Authority; transferring certain powers,  
37 duties, and responsibilities of the authority to the Office of Energy; and technical cleanup  
38 of amended and reenacted sections.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

### **ARTICLE 2A. OFFICE TRANSFER OF COALFIELD COMMUNITY DEVELOPMENT**

### **PROGRAM TO THE OFFICE OF ENERGY.**

#### **§5B-2A-1. Legislative findings and declaration.**

1 The Legislature hereby finds and declares the following:  
2 (a) Coal mining has made and continues to make significant contributions to the economy  
3 of West Virginia. These contributions include the creation of quality jobs that pay high wages and  
4 provide good benefits; the consequent stimulation and support of mining contractors, suppliers of  
5 mining equipment and services, other mining-related industries and numerous providers of goods  
6 and services that are indirectly related to coal mining and dependent upon its existence and  
7 prosperity; the generation of significant severance and other tax revenues that support important  
8 economic development, infrastructure and education initiatives in mining communities and

9 throughout the state; the support of civic, education and service groups in mining communities;  
10 and, in the case of surface mining operations, including mountaintop mining, the creation of much-  
11 needed flat land for economic development and recreational uses.

12 (b) The development and increasing prominence of surface mining operations, including  
13 mountaintop mining, has brought increasingly high levels of productivity, safety and efficiency to  
14 the state's mining industry, enabling the recovery of coal that could not otherwise be mined and  
15 marketed profitably, increasing the severance tax revenues and other economic benefits  
16 described in subsection (a) of this section and ensuring the competitiveness of the state's coal  
17 industry from a national and international perspective.

18 (c) Where implemented, surface mining operations, particularly mountaintop mining, tend  
19 to extract most, if not all, of the recoverable coal reserves in an accelerated fashion. For a state  
20 long dependent on the employment and revenue coal mining provides, this reality should be  
21 sobering and there is no place in which the comprehension of this reality is more crucial than the  
22 coalfields of West Virginia. Long dependent primarily on mining, this area must plan for a future  
23 without coal. The state and its subdivisions have a legitimate interest in securing that future.

24 (d) The coal industry and those related to the extraction of mineral resources benefit from  
25 the mining of our state's coal through mining practices which impact its citizens -- some in a  
26 negative way -- and through practices which will extract significant portions of coal reserves in an  
27 accelerated fashion. Those industries must therefore accept a greater responsibility to help  
28 address the long-term needs of the communities and citizens impacted by their activities.

29 (e) Once it becomes public knowledge that a permit is being sought, the marketability of  
30 property may change and the relative bargaining power of the parties may change with it. The  
31 potential for negative impact on those living in communities near surface mining operations may  
32 limit the options and bargaining power of the property owners.

33 (f) Surface mining operations, including mountaintop mining, present unique challenges  
34 to the coal mining industry and the state and its citizens, especially those living and working in

35 communities that rely heavily upon these methods of mining. This requires that these  
36 communities, in conjunction with county commissions, state, local, county and regional  
37 development authorities, landowners and civic, community and business groups and interested  
38 citizens, develop plans related to the communities' long-term economic viability.

39 (g) The Division Office of Energy, as the state agency charged with energy policy and  
40 development activities, shall ~~take a more active role in~~ engage in planning and coordinating the  
41 long-term economic development of communities in which these mining methods are prevalent  
42 and shall establish a formal process to assist property owners in the determination of the fair  
43 market value where the property owner and the coal company voluntarily enter into an agreement  
44 relating to the purchase and sale of such property.

### **§5B-2A-3. Definitions.**

1 (a) For the purpose of this article:

2 (1) "Department" means the Department of Environmental Protection established in §22-  
3 1-1 *et seq.* of this code;

4 (2) "Office" means ~~the Office of Coalfield Community Development; the Office of Energy~~  
5 established in §5B-2F-1 *et seq.* of this code;

6 (3) "Operator" means the definition in §22-3-3 of this code;

7 (4) "Program" means the Coalfield Development Program within the Office of Energy;

8 (4) (5) "Renewable and alternative energy" means energy produced or generated from  
9 natural or replenishable resources other than traditional fossil fuels or nuclear resources and  
10 includes, without limitation, solar energy, wind power, hydropower, geothermal energy, biomass  
11 energy, biologically derived fuels, energy produced with advanced coal technologies, coalbed  
12 methane, fuel produced by a coal gasification or liquefaction facility, synthetic gas, waste coal,  
13 tire-derived fuel, pumped storage hydroelectric power or similar energy sources; and

14 (5) (7) "Secretary" means the Secretary of the Department of ~~Economic Development~~  
15 Commerce.

16 (b) Unless used in a context that clearly requires a different meaning or as otherwise  
17 defined herein, terms used in this article shall have the definitions set forth in this section.

**§5B-2A-4. Terminating the Office of Coalfield Community Development; Transferring its powers, duties, and responsibilities as a program within the Office of Energy.**

1 (a) The Office of Coalfield Community Development is continued within the Department of  
2 Economic Development hereby abolished, and all powers, duties, and responsibilities previously  
3 granted to the Office pursuant to this article are transferred as a program within the Office of  
4 Energy.

5 (b) The Governor shall appoint and set the salary of the director of the office who shall be  
6 responsible for hiring Director of the Office of Energy may hire such assistants and clerical staff  
7 as may be necessary to carry out the responsibilities of the office program. The initial appointment  
8 for the director shall be made by July 1, 2026. Funding for this position and to carry out the duties  
9 of the office shall be as provided by appropriation of the Legislature.

10 (c) The director shall report quarterly to the energy and finance committees of the  
11 legislature on projects funded by the office. The report shall include the amount, the recipient and  
12 a description of each project funded.

## 13 §5B-2A-9. Securing developable land and infrastructure.

4 (b) For the purposes of this section, the term "general area" shall mean the county or  
5 counties in which the mining operations are being conducted or any adjacent county.

6 (c) To assist the office, the operator, upon request by the office, shall be required to  
7 prepare and submit to the office the information set forth in this subsection as follows:

10 (2) The names of the surface and mineral owners of the property to be mined pursuant to  
11 the permit; and

12 (3) A statement of the post-mining land use for all land which may be affected by the  
13 mining operations.

14 (d) In making a determination of the land and infrastructure needs in the general area of  
15 the mining operations, the office shall consider at least the following:

16 (1) The availability of developable land in the general area;

17 (2) The needs of the general area for developable land;

18 (3) The availability of infrastructure, including, but not limited to, access roads, water  
19 service, wastewater service, and other utilities;

20 (4) The amount of land to be mined and the amount of valley to be filled;

21 (5) The amount, nature, and cost to develop and maintain the community assets identified  
22 in §5B-2A-8 of this code; and

23 (6) The availability of federal, state, and local grants and low-interest loans to finance all  
24 or a portion of the acquisition and construction of the identified land and infrastructure needs of  
25 the general area.

26 (e) In making a determination of the land and infrastructure needs in the general area of  
27 the surface mining operations, the office shall give significant weight to developable land on or  
28 near existing or planned multilane highways.

29 (f) The office may secure developable land and infrastructure for a Development Office or  
30 county through the preparation of a master land use plan for inclusion into a reclamation plan  
31 prepared pursuant to the provisions of §22-3-10 of this code. No provision of this section may be  
32 construed to modify requirements of §22-3-1 et seq. of this code.

33 (1) The county commission or other governing body for each county in which there are  
34 surface mining operations that are subject to this article shall determine land and infrastructure  
35 needs within their jurisdictions through the development of a master land use plan which

36 incorporates post-mining land use needs, including, but not limited to, geothermal, hydrogen,  
37 hydropower, natural gas, nuclear, renewable and alternative energy uses, residential uses,  
38 highway uses, industrial uses, commercial uses, agricultural uses, public facility uses, or  
39 recreational facility uses. A county commission or other governing body of a county may designate  
40 a local, county, or regional development or redevelopment authority to assist in the preparation  
41 of a master land use plan. A county commission or other governing body of a county may adopt  
42 a master land use plan developed after July 1, 2009 2026, only after a reasonable public comment  
43 period.

44 (2) Upon the request of a county or designated development or redevelopment authority,  
45 the office shall assist the county or development or redevelopment authority with the development  
46 of a master land use plan.

47 (3)(A) The Department of Environmental Protection and the ~~Office of Coalfield Community~~  
48 ~~Development Office~~ shall review master land use plans existing as of July 1, 2009 2026. If the  
49 office determines that a master land use plan complies with the requirements of this article and  
50 the rules promulgated pursuant to this article, the office shall approve the plan on or before July  
51 1, 2010 2027.

52 (B) Master land use plans developed after July 1, 2009 2026, shall be submitted to the  
53 department and the office for review. The office shall determine whether to approve a master land  
54 use plan submitted pursuant to this subdivision within three months of submission. The office shall  
55 approve the plan if it complies with the requirements of this article and the rules promulgated  
56 pursuant to this article.

57 (C) The office shall review a master land use plan approved under this section every three  
58 years. No later than six months before the review of a master land use plan, the county or  
59 designated development or redevelopment authority shall submit an updated master land use  
60 plan to the department and the office for review. The county may submit its updated master land  
61 use plan only after a reasonable public comment period. The office shall approve the master land

62 use plan if the updated plan complies with the requirements of this article and the rules  
63 promulgated pursuant to this article.

64 (D) If the office does not approve a master land use plan, the county or designated  
65 development or redevelopment authority shall submit a supplemental master land use plan to the  
66 office for approval.

67 (4) The required infrastructure component standards needed to accomplish the  
68 designated post-mining land uses identified in a master land use plan shall be developed by the  
69 county or its designated development or redevelopment authority. These standards must be in  
70 place before the respective county or development or redevelopment authority can accept  
71 ownership of property donated pursuant to a master land use plan. Acceptance of ownership of  
72 such property by a county or development or redevelopment authority may not occur unless it is  
73 determined that:

74 (A) The property use is compatible with adjacent land uses;

75 (B) The use satisfies the relevant county or development or redevelopment authority's  
76 anticipated need and market use;

77 (C) The property has in place necessary infrastructure components needed to achieve the  
78 anticipated use;

79 (D) The use is supported by all other appropriate public agencies;

80 (E) The property is eligible for bond release in accordance with §22-3-23 of this code; and

81 (F) The use is feasible.

82 Required infrastructure component standards require approval of the relevant county  
83 commission, commissions, or other county governing body before such standards are accepted.  
84 County commission or other county governing body approval may be rendered only after a  
85 reasonable public comment period.

86 (5) The provisions of this subsection shall not take effect until legislative rules are  
87 promulgated pursuant to this code governing bond releases which assure sound future

88 maintenance by the local or regional economic development, redevelopment, or planning  
89 agencies.

#### **§5B-2A-10. Action report; annual update.**

90 ~~(a) Based upon the information developed under sections eight and nine of this article, the~~  
91 ~~office shall prepare an action report which shall make recommendations for achieving economic~~  
92 ~~development initiatives, including identifying sources of potential funding.~~

93 ~~(b) The office shall prepare an annual status update of the action report which shall~~  
94 ~~describe accomplishments and prospects for continued economic development.~~

1 [Repealed]

#### **§5B-2A-12. Rulemaking.**

2 The office shall propose rules for legislative approval in accordance with ~~article three,~~  
3 ~~chapter twenty-nine-a §29A-3-1 et seq. of this code to establish, implement and enforce the~~  
4 ~~provisions of this article, which rules shall include, but not be limited to:~~

5 (1) The development of standards for establishing the value of property by the office; and  
6 (2) Criteria for the development of a master plan by local, county, regional or  
7 redevelopment authorities which coordinates the permitting and reclamation requirements of the  
8 Department of Environmental Protection with these authorities.

#### **§5B-2A-14. Sunset**

1 ~~Unless acted upon by the Legislature, this article will sunset on June 30, 2032, at which~~  
2 ~~time the Office of Coalfield Community Development shall terminate.~~

3 [Repealed]

### **ARTICLE 2F. DIVISION OF ENERGY. COMPREHENSIVE ENERGY POLICY AND**

#### **DEVELOPMENT PLAN OF 2026.**

##### **§5B-2F-1. Short title.**

1 This ~~chapter article~~ shall be known and cited as the ~~West Virginia Energy Policy and~~

2 Development Act Comprehensive Energy Policy and Development Plan Act of 2026.

**§5B-2F-1a. Definitions.**

3 For purposes of this article:

4 (1) "Construction" includes construction, acquisition, reconstruction, enlargement,  
5 improvement and providing furnishings or equipment.

6 (2) "Cost" as applied to natural gas transmission projects, electric power projects or other  
7 energy projects authorized by the authority includes, but is not limited to: The cost of their  
8 acquisition and construction, including all costs pertaining to pipelines; the cost of acquisition of  
9 all land, rights-of-way, property rights, easements, franchise rights, contract rights, lease rights  
10 and other rights or interests required by the authority for such acquisition and construction; the  
11 cost of demolishing or removing any pipeline, buildings or structures on land so acquired,  
12 including the cost of acquiring any lands to which such pipelines, buildings or structures may be  
13 moved; the cost of acquiring or constructing and equipping a principal office and suboffices of the  
14 authority; the cost of diverting highways, interchange of highways and access roads to private  
15 property, including the cost of land or easements therefor; the cost of all machinery, furnishings  
16 and equipment, all financing charges, and interest prior to and during construction and after  
17 completion of construction; the cost of all engineering services and all expenses of research and  
18 development with respect to natural gas transmission projects, electric power projects, and  
19 related facilities; the cost of all legal services and expenses; the cost of all plans, specifications,  
20 surveys and estimates of cost and revenues; all working capital and other expenses necessary  
21 or incident to determining the feasibility or practicability of acquiring or constructing any such  
22 projects; all administrative expenses and such other expenses as may be necessary or incident  
23 to the acquisition or construction of any such projects; the financing of such acquisition or  
24 construction, and the cost of financing of the placing of any such project in operation. Any  
25 obligation or expenses incurred after the effective date of this article by any person, with the  
26 approval of the authority, for surveys, borings, preparation of plans and specifications and other

27 engineering services in connection with the acquisition or construction of a project shall be  
28 regarded as a part of the cost of such project and shall be reimbursed out of the proceeds of loans  
29 or bonds as authorized by the provisions of this article.

30 (3) "Decommission" or "decommissioning activities" means any activity that removes from  
31 service or facilitates, furthers, or otherwise prepares for the removal from service, any power  
32 plant.

33 (4) "Deconstruct" or "deconstruction activities" shall mean any activity to dismantle,  
34 disassemble, or to reduce a coal, oil, or natural gas fueled power plant into its constituent parts  
35 such that the plant is no longer able to generate electricity.

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

37 (6) "End-user" means any person who consumes or uses coal, geothermal, hydrogen,  
38 hydropower, natural gas, or nuclear based energy in connection with any industrial, commercial,  
39 residential or other use, except that such term shall not include any person purchasing energy for  
40 resale to another person. For purposes of this article, the term end-user shall include local  
41 distribution companies and intrastate pipelines as defined in §24-3-1 et seq. of this code.

42 (7) "Electric power project" means the complex of structures, machinery and associated  
43 equipment for the generation or transmission of electricity including the production and distribution  
44 of other energy produced from coal, geothermal, hydrogen, hydropower, natural gas, or nuclear,  
45 and all facilities related or incidental thereto.

46 (8) "Fair Market Value" shall mean the price that the property would bring if it were offered  
47 for sale on the open market by someone who wanted to sell and was bought by someone who  
48 wanted to buy, both exercising prudence and intelligent judgment as to its value, and neither being  
49 under any compulsion to buy or sell.

50 (9) "Governmental agency" means the state government or any agency, department,  
51 division or unit thereof; counties; municipalities; public service districts; regional governmental  
52 authorities and any other governmental agency, entity, political subdivision, public corporation or

53 agency; the United States government or any agency, department, division or unit thereof; and  
54 any agency, commission or authority established pursuant to an interstate compact or agreement.

55 (10) "Local distribution company" means any person, other than any interstate pipeline or  
56 any intrastate pipeline, engaged in transportation or local distribution of natural gas and the sale  
57 of natural gas for ultimate consumption.

58 (11) "Natural gas transmission project" means any natural gas pipeline and all facilities  
59 necessary or incident to the transportation of natural gas to or for the benefit of industrial or other  
60 end-users in West Virginia, the acquisition or construction of which is financed, in whole or in part,  
61 by the West Virginia public energy authority or the acquisition or construction of which is financed,  
62 in whole or in part, from funds made available by grant, loan or any other source by, or through,  
63 the authority as provided in this article, including facilities, the acquisition or construction of which  
64 is authorized, in whole or in part, by the West Virginia public energy authority or the acquisition or  
65 construction of which is financed, in whole or in part, from funds made available by grant, loan or  
66 any other source by, or through, the authority as provided in this article, including all pipelines,  
67 buildings and facilities which the authority deems necessary for the operation of the project,  
68 together with all property, rights, easements and interests which may be required for the operation  
69 of the project.

70 (12) "Office" means the West Virginia Office of Energy.

71 (13) "Owner" includes all persons having any title or interest in any property rights,  
72 easements and interests authorized to be acquired by this article.

73 (14) "Person" shall have the same meaning as in §2-2-10(9) of this code;

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

78 (16) "Real property" means lands, structures, franchises and interests in land, including

79 lands under water and riparian rights, and any and all other things and rights usually included  
80 within the said term, and includes also any and all interests in such property less than full title,  
81 such as easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments  
82 and every estate, interest or right, legal or equitable, including terms for years and liens thereon  
83 by way of judgments, mortgages or otherwise, and also all claims for damages for such real  
84 estate.

85 (17) "Revenue" means any money or thing of value collected by, or paid to, the West  
86 Virginia public energy authority as rents, loan payments, installment payments, or other proceeds  
87 of sale, rates, user fees, service charges or other charges for the electric power produced by, for  
88 the use of, for the lease, the lease with an option to purchase or the purchase of, or in connection  
89 with any electric power project; or as rent, use, transportation or service fee or charge for use of,  
90 or in connection with, any natural gas transmission project; or other money or property from any  
91 source which is received and may be expended for or pledged as revenues pursuant to this article.

**§5B-2F-2. Purpose; Office of Energy; office to develop energy policy and development plan;**  
**contents of energy policy and development plan; and office to promote energy**  
**initiatives Development of Comprehensive Energy Policy.**

1 (a) Effective July 1, 2017, the Division of Energy is hereby continued, but shall be  
2 designated and known as the Office of Energy and shall be organized within the Department of  
3 Economic Development. All references throughout this code to the Division of Energy shall be  
4 construed to refer to the Office of Energy. The office may receive federal funds.

5 (b) The office is intended to provide leadership for developing energy policies emphasizing  
6 the increased efficiency of energy use, the increased development and production of new and  
7 existing domestic energy sources, the increased awareness of energy use on the environment  
8 and the economy, dependable, efficient and economical statewide energy systems capable of  
9 supporting the needs of the state, increased energy self-sufficiency where the ratio of indigenous  
10 to imported energy use is increased, reduce the ratio energy consumption to economic activity

11 and maintain low-cost energy. The energy policies and development plans shall also provide  
12 direction for the private sector.

13 (c) The office shall have authority over the energy efficiency program existing under the  
14 Department of Economic Development.

15 (a) West Virginia and the nation are in need of energy that is reliable, efficient, affordable  
16 and locally produced. To meet this need, the Office of Energy shall develop a long-lasting energy  
17 solution that embraces coal, natural gas, nuclear energy, hydropower, hydrogen and geothermal  
18 energy by developing a comprehensive energy policy that emphasizes:

19 (1) increased reliability from stable baseload generation;

20 (2) increased efficiency through innovation;

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

22 (4) energy independence and security through increased domestic production.

23 (d) (b) The office Office of Energy shall develop an energy policy and shall report the same  
24 back to the Governor and the Joint Committee on Government and Finance before December 1,  
25 2007 2026. The energy policy shall be a five year plan setting set forth the state's energy policies  
26 through at least 2050 and shall provide a direction for the private sector. The Office may amend  
27 this policy at any time to reflect changes in energy opportunities. Prior to the expiration of the  
28 energy policy, the office Office of Energy shall begin review of the policy and submit a revised  
29 energy policy to the Governor and the Joint Committee on Government and Finance six months  
30 before the expiration of the policy.

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

34 (1) prioritize reliable baseload generation over unreliable intermittent generation;

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

37        (3) develop a strategy for developing natural gas, nuclear, hydropower, hydrogen and  
38        geothermal baseload electricity generating projects throughout the state;  
39        (4) set a goal of:  
40        (A) increasing the state's current baseload generating capacity from 16 gigawatts to at  
41        least 50 gigawatts by 2050; and  
42        (B) making West Virginia the leading per-capita exporter of electricity in the nation by 2050;  
43        (5) expand the international market for West Virginia coal and develop economical uses  
44        for West Virginia coal in addition to its use in electricity generation and steel manufacturing;  
45        (6) create a robust in-state market for natural gas through increased manufacturing and  
46        electricity generation;  
47        (7) address the need for sufficient electricity transmission lines and natural gas pipelines  
48        to support the increase in baseload electricity generation; and  
49        (8) suggest the placement of natural gas pipelines and electricity transmission lines in  
50        locations throughout the state that lack sufficient access to electricity or natural gas and in  
51        locations where access to increased supplies of electricity or natural gas will spur manufacturing  
52        or other economic development.

#### **§5B-2F-2a. Additional Powers of the Office of Energy.**

1        The office may also exercise the following powers and duties:  
2        (1) Foster, encourage and promote the mineral development industry. The office is  
3        encouraged to maximize the use of the West Virginia mineral development industry, but is not  
4        prohibited from utilizing nonstate mineral resources.  
5        (2) Engage in strategic planning to enable the state to cope with changes affecting or  
6        which may affect the mineral development industry.  
7        (3) Acquire by gift or purchase, hold and dispose of real and personal property in the  
8        exercise of its powers and the performance of its duties as set forth in this article.  
9        (4) Make and enter into all contracts and agreements and execute all instruments

10        necessary or incidental to the performance of its duties and the execution of its powers.

11            (5) Employ managers, superintendents and other employees, and retain or contract with  
12        consulting engineers, financial consultants, accountants, architects, and such other consultants  
13        and independent contractors as are necessary in its judgment to carry out the provisions of this  
14        article, and fix the compensation or fees thereof. All expenses thereof shall be payable solely from  
15        grants or other payments received by the office and from funds appropriated for such purpose by  
16        the Legislature.

17            (6) Receive and accept from any federal agency, or any other source, grants for or in aid  
18        of the construction of any project or for research and development with respect to electric power  
19        projects, natural gas transmission projects or other energy projects, and receive and accept aid  
20        or contribution from any source of money, property, labor or other things of value to be held, used  
21        and applied only for the purpose for which such grants and contributions are made.

22            (7) Purchase and sell electricity or other energy produced by an electric power project in  
23        and out of the State of West Virginia.

24            (8) Enter into wheeling contracts for the transmission of electric power over the authority's  
25        or another party's lines.

26            (9) Broker the purchase of natural gas for resale to end-users: *Provided, That whenever*  
27        there are local distribution company pipelines already in place the authority shall arrange to  
28        transport the gas through such pipelines at the rates approved by the Public Service Commission  
29        of West Virginia.

30            (10) Engage in market research, feasibility studies, commercial research, and other  
31        studies and research pertaining to electric power projects or energy development including  
32        development of coal, geothermal, hydrogen, hydropower, natural gas, and nuclear energy.

33            (11) Enter upon any lands, waters and premises in the state, after at least seven days'  
34        notice to the property owner, for the purpose of making surveys and examinations as it may deem  
35        necessary for the purpose of this article, and such entry shall not be deemed a trespass, nor shall

36 an entry for such purposes be deemed an entry under any condemnation proceedings which may  
37 be then pending and the office shall make reimbursement for any actual damages resulting to  
38 such lands, waters and premises as a result of such activities.

39 (e) The office Division shall prepare and submit an annual energy development plan to  
40 the Governor and the Joint Committee on Government and Finance on or before December 1 of  
41 each year. The development plan shall relate to the office's implementation of the energy policy  
42 and the activities of the office during the previous year. The development plan shall include any  
43 recommended legislation. The Public Energy Authority, the Office of Coalfield Community  
44 Development, the energy efficiency program, the Department of Environmental Protection and  
45 the Public Service Commission, in addition to their other duties prescribed by this code, shall  
46 assist the office in the development of an energy policy and related development plans. The  
47 energy development plan shall set forth the plans for implementing the state's energy policy and  
48 shall provide a direction for the private sector. The energy development plan shall recognize the  
49 powers of the Public Energy Authority as to development and financing of projects under its  
50 jurisdiction and shall make such recommendations as are reasonable and practicable for the  
51 exercise of such powers.

52 (f) The office shall hold public hearings and meetings with notice to receive public input  
53 regarding proposed energy policies and development plans. The energy policy and development  
54 plans required by subsections (d) and (e) of this section shall address increased efficiency of  
55 energy use, traditional and alternative energy, water as a resource and a component of energy  
56 production, energy distribution systems, the siting of energy facilities, the increased development  
57 and production of new and existing domestic energy sources, increased awareness of energy use  
58 on the environment and the economy, energy infrastructure, the development and implementation  
59 of renewable, clean, technically innovative and advanced energy projects in this state. Projects  
60 may include, without limitation, solar and wind energy, low-impact hydro power, geothermal,  
61 biomass, landfill gas, fuel cells, renewable hydrogen fuel technologies, waste coal, coal mine

62 methane, coal gasification to ultraclean fuels, solid waste to fuel grade ethanol and coal  
63 liquefaction technologies.

64 (g) The office may propose rules for legislative approval in accordance with the provisions  
65 of article three, chapter twenty nine a of this code designed to implement an energy policy and  
66 development plan in accordance with the provisions of this chapter.

67 (h) The energy policy and development plans required by subsections (d) and (e) of this  
68 section shall identify and report on the energy infrastructure in this state and include without  
69 limitation energy infrastructure related to protecting the state's essential data, information systems  
70 and critical government services in times of emergency, inoperativeness or disaster. In  
71 consultation with the Director of the Division of Homeland Security and Emergency Management,  
72 the office shall encourage the development of energy infrastructure and strategic resources that  
73 will ensure the continuity of governmental operations in situations of emergency, inoperativeness  
74 or disaster.

75 (i) In preparing or revising the energy policy and development plan, the office may rely  
76 upon internal staff reports or the advice of outside advisers or consultants and may procure such  
77 services with the consent of the Secretary of Economic Development. The office may also involve  
78 national, state and local government leadership and energy experts.

79 (j) The office shall prepare an energy use database, including without limitation, end use  
80 applications and infrastructure needs for different classes of energy users including residential,  
81 commercial and industrial users, data regarding the interdependencies and sources of electricity,  
82 oil, coal, water and gas infrastructure, data regarding energy use of schools and state-owned  
83 facilities and collect data on the impact of the energy policy and development plan on the  
84 decisions and strategies of energy users of the state.

85 (k) The office shall promote collaboration between the state's universities and colleges,  
86 private industry and nonprofit organizations to encourage energy research and leverage available  
87 federal energy research and development resources.

88           (l) The office shall promote initiatives to enhance the nation's energy security through  
89 research and development directed at transforming the state's energy resources into the  
90 resources that fuel the nation.

91           (m) The office shall work with the President of the United States and his or her  
92 administration to develop a plan that would allow West Virginia to become the leader in  
93 transitioning the United States to a new energy future.

94           (n) The office is to determine the best way for West Virginia to utilize its resources and  
95 any federal funding to develop the technologies that are necessary for such a transition.

96           (o) The office is to clearly articulate West Virginia's position on an energy solution for the  
97 United States that encompasses clean coal, natural gas, transtech energy technologies and  
98 renewable energy technologies.

99           (p) The office shall develop and distribute an informational program and policies that  
100 emphasize the importance of West Virginia energy resources and their positive impact on the  
101 eastern seaboard and the nation.

102           (q) The office shall monitor legal challenges to the energy industries in the state and submit  
103 a report quarterly to the Joint Committee on Government and Finance. The report shall contain  
104 information relating to any litigation that challenges any statute that could affect the production,  
105 distribution and utilization of natural resources of the state.

106           (r) The office shall develop and administer a program for auditing the energy metering  
107 devices for both electricity and natural gas currently installed at state buildings for purposes of  
108 determining whether such devices are active or inactive. Such program shall be designed to audit  
109 no fewer than 20 percent (20%) of the energy metering devices each year to enable completion  
110 of the audit of all such devices no later than January 1, 2027. In the event the office determines  
111 during such audit that an energy metering device is no longer active, it shall notify the energy  
112 service provider to request (1) removal of such device and (2) adjustment of utility bills  
113 prospectively to remove any charge associated with such meter.

**§5B-2F-2b. Comprehensive Energy Plan.**

114       (a) The Office of Energy shall prepare and submit a five-year energy development plan to  
115       the Governor and the Joint Committee on Government and Finance on or before December 1 of  
116       2026 and every five years thereafter. The development plan shall identify how the Office  
117       anticipates implementing the state's energy policy during the subsequent five-year period, as well  
118       as the policies enacted and actions taken in the previous five-year period in furtherance of said  
119       policy. The development plan shall provide direction for the private sector and shall include any  
120       recommended legislation. The Department of Environmental Protection and the Public Service  
121       Commission, in addition to their other duties prescribed by this code, shall assist the Office in the  
122       development of an energy policy and related development plans. The energy development plan  
123       shall recognize the powers of the Office as to development and financing of projects under its  
124       jurisdiction and shall make such recommendations as are reasonable and practicable for the  
125       exercise of such powers.

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

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

138       (d) Any documentary material, data or other writing made or received by the office or other

139 public body for the purposes of preparing the energy policy and development plan shall  
140 be exempt from the Freedom of Information Act under § 29B-1-1 et seq. of this code.

### **§5B-2F-3. Energy Savings Contracting Program Stakeholder Meetings.**

1       The secretary shall, working with such other agencies of the state as the secretary deems  
2 appropriate, establish an energy savings contracting program to support the design and  
3 installation of energy savings contracts that may be entered into by agencies of the state under  
4 §5A-3B-1 et seq. of the code. Such program shall include the development and provision of  
5 model, template, or standardized contracts, guidelines, procedures, manuals, and other related  
6 documents regarding the use of energy savings contracts.

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

### **§5B-2F-4. Energy savings program Rulemaking.**

1       (a) No later than October 1, 2021, the secretary shall establish an energy savings program  
2 designed to reduce energy usage for electricity, natural gas, fuel oil, and steam in all state  
3 buildings under the care, custody, and control of the state by 25% below 2018 levels by 2030.  
4 The secretary shall report annually to the Legislature regarding the energy conservation  
5 measures, as defined by §5A-3B-1(b) of this code, installed under the energy savings program,  
6 achieved reductions in energy usage, and additional energy conservation measures, if any,  
7 necessary to achieve the required reductions by 2030. The secretary is authorized to enter into  
8 energy savings contracts as defined in §5A-3B-1 et seq. of this code, as necessary, to implement  
9 the energy savings program. Energy savings contracts entered into as part of the energy savings  
10 program shall require an annual energy audit performed by a third party and at the cost of the  
11 qualified provider. Energy audits shall include (1) A comparative analysis of anticipated to actual  
12 energy savings; and (2) the terms and conditions of agency payment and performance  
13 guarantees. Any such performance guarantees shall provide that the contractor is responsible for

14 maintenance and repair services for any energy related equipment, including computer software.

15 (b) The department will collaborate with the Department of Administration to develop  
16 energy saving strategies and improve energy efficiency in state buildings under the control and  
17 care of the Department of Administration.

18 The Office may propose rules for legislative approval in accordance with the provisions of  
19 §29a-3-1 et seq. of this code as needed to implement an energy policy and development plan in  
20 accordance with the provisions of this chapter.

**§5B-2F-5. Disclosure of energy usage. Approval of decommissioning or deconstructing an existing power plant.**

1 No later than July 1, 2021, the secretary shall establish a program for measuring and  
2 benchmarking the energy, including electricity, natural gas, fuel oil, and steam, efficiency of all  
3 state buildings under custody and control of the state. Such program shall use the benchmarking  
4 tool Energy Star Portfolio Manager® operated by the United States Environmental Protection  
5 Agency. No later than October 1, 2021 and each year thereafter, the secretary shall compile and  
6 submit energy usage data for all state buildings to such benchmarking tool. The secretary shall  
7 report annually to the Legislature regarding the building energy performance compared to similar  
8 buildings in similar climates, as determined by the Energy Star Portfolio Manager®.

9 (a) No existing coal, geothermal, hydrogen, hydropower, natural gas, and nuclear fueled  
10 power plant shall undertake any decommissioning or deconstructing activities prior to obtaining  
11 approval from the office: *Provided*, That such approval may not be unreasonably withheld.

12 (b) The office may approve the decommissioning or deconstructing of an existing coal,  
13 geothermal, hydrogen, hydropower, natural gas, and nuclear fueled power plant upon the  
14 submission of a petition containing, at a minimum, the following information:

15 (1) An analysis by an office approved third party that evaluates the social, environmental,  
16 and economic impact at a local and statewide level of such decommissioning and deconstruction;  
17 and

18        (2) Potential alternatives to decommissioning and deconstruction, including the  
19        reconstruction that make use of other technologies, including novel technologies and green  
20        technologies as alternative fuel sources.

## **ARTICLE 2H. MARCELLUS GAS AND MANUFACTURING DEVELOPMENT ACT.**

### **§5B-2H-2. Legislative findings; declaration of public policy.**

1        (a) The Legislature finds that:

2        (1) The advent and advancement of new and existing technologies and drilling practices  
3        have created the opportunity for the efficient development of natural gas contained in  
4        underground shales and other geological formations.

5        (2) With development of the Marcellus shale comes the opportunity for economic  
6        development in related areas of the economy including, but not limited to, manufacturing,  
7        transmission of natural gas and related products and the transportation of manufactured products.

8        (3) It is in the interest of national security to encourage post-production uses of natural  
9        gas and its various components as a replacement for oil imported from other countries.

10       (4) Producers of natural gas, transporters of natural gas and manufacturers of products  
11       using natural gas face a significant number of regulatory requirements, some of which may be  
12       redundant, inconsistent, or overlapping. Agencies should work together, where practical, to avoid  
13       duplication, promote better coordination and reduce these requirements, thus reducing costs,  
14       simplifying and harmonizing rules and streamlining regulatory oversight.

15       (5) In developing regulatory actions and identifying appropriate approaches, agencies  
16       should attempt to promote coordination, simplification, and harmonization.

17       (6) Agencies should also seek to identify, as appropriate, means to achieve regulatory  
18       goals that are designed to promote innovation.

19       (7) Agencies should review their existing significant legislative, interpretive and procedural  
20       rules to determine whether any such rules should be modified, streamlined, expanded or repealed  
21       so as to make the agency's regulatory program more effective or less burdensome in achieving

22 the regulatory objectives.

23 (8) The West Virginia Economic Development Authority established in ~~article fifteen~~,  
24 ~~chapter thirty-one~~ §31-15-1 *et seq.* of this code, and the West Virginia Infrastructure and Jobs  
25 Development Council created in ~~article fifteen-a, chapter thirty-one of this code~~ §31-15a-1 *et seq.*,  
26 and the Office of Energy created under § 5B-2F-1 *et seq.*, should, where appropriate, provide  
27 assistance that grows or sustains this segment of the economy.

28 (b) The Legislature declares that facilitating the development of business activity directly  
29 and indirectly related to development of the Marcellus shale serves the public interest of the  
30 citizens of this state by promoting economic development and improving economic opportunities  
31 for the citizens of this state.

## **ARTICLE 2J. NATURAL GAS LIQUIDS ECONOMIC DEVELOPMENT ACT.**

### **§5B-2J-2. Legislative findings; declaration of public policy.**

1 (a) The Legislature finds that:

2 (1) The advent and advancement of new and existing technologies and drilling practices  
3 have created the opportunity for the efficient development of natural gas, including natural gas  
4 liquids such as ethane, propane, butane, isobutane and pentanes, contained in underground  
5 shales and other geological formations.

6 (2) With the development of natural gas liquids from shales and other geological  
7 formations comes the opportunity for economic development in related areas of the economy  
8 including, but not limited to, manufacturing, transmission and storage of natural gas liquids and  
9 related products, the use of such products in manufacturing, the consumption of such products,  
10 and the transportation of manufactured products.

11 (3) Producers of natural gas liquids, transporters and storers of natural gas liquids, and  
12 manufacturers of products using natural gas liquids face a significant number of regulatory  
13 requirements, some of which may be redundant, inconsistent, or overlapping. Agencies should  
14 work together, where practical, to avoid duplication, promote better coordination and reduce these

15 requirements, thus reducing costs, simplifying and harmonizing rules, and streamlining regulatory  
16 oversight.

17 (4) In developing regulatory actions and identifying appropriate approaches, agencies  
18 should attempt to promote coordination, simplification, and harmonization.

19 (5) Agencies should also seek to identify, as appropriate, means to achieve regulatory  
20 goals that are designed to promote innovation.

21 (6) Agencies should review their existing significant legislative, interpretive and procedural  
22 rules to determine whether any such rules should be modified, streamlined, expanded or repealed  
23 so as to make the agency's regulatory program more effective and less burdensome in achieving  
24 the regulatory objectives.

25 (7) The West Virginia Economic Development Authority established in article fifteen,  
26 ~~chapter thirty-one~~ §31-15-1 *et seq.* of this code, and the West Virginia Infrastructure and Jobs  
27 Development Council created in ~~article fifteen-a, chapter thirty-one of this code~~ §31-15a-1 *et seq.*  
28 and the Office of Energy created under § 5B-2F-1 *et seq.*, should, where appropriate, provide  
29 assistance that grows or sustains the natural gas liquids segment of the economy.

30 (b) The Legislature declares that facilitating the development of business activity directly  
31 and indirectly related to development, transportation, storage and use of the natural gas liquids  
32 serves the public interest of the citizens of this state by promoting economic development and  
33 improving economic opportunities for the citizens of this state.

## **ARTICLE 2N. COMPREHENSIVE GRID STABILIZATION AND ENERGY SECURITY**

### **ACT OF 2023 OF 2026.**

#### **§5B-2N-1. Short title.**

1 This article shall be known and cited as the Comprehensive Grid Stabilization and Energy  
2 Security Act of 2026.

#### **§5B-2N-1a. Definitions.**

1        For the purpose of this article:

2        (1) “Company” means a for-profit sole proprietorship, organization, association,  
3        corporation, limited liability partnership, limited liability company, including a wholly owned  
4        subsidiary, majority owned subsidiary, parent company, or affiliate of those entities or business  
5        associations that exist to make a profit.

6        (2) “Critical Energy Infrastructure” means a communication infrastructure system,  
7        cybersecurity system, electric grid, hazardous waste treatment system or water treatment facility  
8        that directly or indirectly affects the ability to generate, transmit, transport or distribute electricity,  
9        coal, oil and natural gas, or hydrogen within the state.

10        (3) “Cybersecurity means the measure taken to protect a computer, computer network,  
11        computer system or other technology infrastructure against unauthorized use or access.

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

13        (5) "Office" means the West Virginia Office of Energy.

## **§5B-2N-2. Legislative findings; declaration of public policy.**

1        (a) The Legislature finds that:

2        (1) The advent and advancement of new and existing technologies and ~~drilling~~ practices  
3        have created the opportunity for efficient ~~development of~~ use coal, geothermal, hydrogen,  
4        hydropower, natural gas, and nuclear in West Virginia, including opportunities for the production  
5        of electricity;

6        (2) Production of electricity utilizing coal, geothermal, hydrogen, hydropower, natural gas,  
7        and nuclear produced in West Virginia is highly underdeveloped in comparison to nearby states  
8        with which West Virginia competes for economically beneficial projects. Natural gas Coal,  
9        geothermal, hydrogen, hydropower, natural gas, and nuclear electric generation projects have  
10        been undermined by existing regulatory requirements and related time delays;

11        (3) In developing regulatory actions and identifying appropriate approaches to encourage  
12        development of coal, geothermal, hydrogen, hydropower, natural gas, and nuclear electric

13 generation projects, agencies should attempt to promote coordination, simplification, and  
14 harmonization. Agencies should also seek to identify appropriate means to achieve regulatory  
15 goals that are designed to promote innovation and enhance West Virginia's competitiveness with  
16 surrounding states;

17 (4) Agencies should review their existing legislative and procedural rules to determine  
18 whether any such rules should be modified, streamlined, expanded, or repealed to make the  
19 agency's regulatory program more effective or less burdensome in achieving the regulatory  
20 objectives related to coal, geothermal, hydrogen, hydropower, natural gas, and nuclear electric  
21 generation projects. Agencies should also evaluate the data that they have to determine what  
22 information might be useful to prompt permitting and approving coal, geothermal, hydrogen,  
23 hydropower, natural gas, and nuclear generated electricity; and

24 (5) The ~~West Virginia Department of Economic Development, established in §5B-2-1 et~~  
25 ~~seq. of this code, Office of Energy~~ is responsible for implementing this Grid Stabilization and  
26 Security Act or 2026 and providing as much assistance as possible to grow and sustain the coal,  
27 geothermal, hydrogen, hydropower, natural gas, and nuclear electric generation segment of the  
28 economy.

29 (b) The Legislature declares that facilitating the development of business activity directly  
30 and indirectly related to coal, geothermal, hydrogen, hydropower, natural gas, and nuclear electric  
31 generation development, transportation, storage, and use serves the public interest of the citizens  
32 of this state by promoting economic development, improving economic opportunities for the  
33 citizens of this state, and providing additional opportunities to stabilize the price of electricity while  
34 increasing its reliability and availability.

**§5B-2N-2b. Strategy for Developing Coal, Geothermal, Hydrogen, Hydropower, Natural  
Gas, and Nuclear Energy.**

1 (a) The Office shall develop a recommended strategy to the Governor and Secretary of  
2 Commerce for developing coal, geothermal, hydrogen, hydropower, natural gas, and nuclear

3     fueled energy in West Virginia's economy and energy infrastructure.

4           (b) Such strategy shall include, without limitation:

5            (1) A review of regulations and legislation needed to guide the development and  
6     achievement of economies of scale for the energy ecosystem in the state;

7            (3) Recommendations for post-secondary education or workforce initiatives to prepare the  
8     state's workforce for coal, geothermal, hydrogen, hydropower, natural gas, and nuclear fueled  
9     energy-related jobs;

10          (4) Recommendations legislation and policies to support coal, geothermal, hydrogen,  
11     hydropower, natural gas, and nuclear fueled energy facilities at sites throughout West Virginia;

12          (5) Recommendations regarding funding sources for developing coal, geothermal,  
13     hydrogen, hydropower, natural gas, and nuclear fueled energy programs and infrastructure; and

14          (6) Recommendations for potential end uses of coal, geothermal, hydrogen, hydropower,  
15     natural gas, and nuclear fueled energy.

**§5B-2N-3. Identification of suitable sites for coal, geothermal, hydrogen, hydropower,  
natural gas, or nuclear electric generation projects.**

1           (a) ~~The Secretary of the Department of Economic Development Director of the Office of~~  
2     ~~Energy~~ is authorized and directed to identify economically viable sites within the state that are:

3            (1) Located near a convenient and sufficient supply of coal, geothermal, hydrogen,  
4     hydropower, natural gas, or nuclear energy; and

5            (2) Likely to create economically viable coal, geothermal, hydrogen, hydropower, natural  
6     gas, or nuclear electric generation projects that provide economic benefits to the local and state  
7     governmental units and the citizens of the state; and

8            (3) Optimally located to provide a convenient supply of the generated electricity to  
9     consumers; and

10          (b) ~~The Secretary of the Department of Economic Development Director of the Office of~~  
11     ~~Energy~~ shall use the following criteria in identifying economically viable sites for ~~natural gas~~

12 electric generation projects:

13 (1) Geographic locations near coal deposits, geothermal resources, hydrogen projects,  
14 hydropower resources, producing natural gas wells, or pipelines carrying natural gas or hydrogen  
15 produced in the state, or nuclear electric generation facilities, capable of supplying and sustaining  
16 one or more natural gas electric generation facilities for the economic life of the facilities;  
17 (2) Geographic locations near existing electric transmission infrastructure capable of  
18 transmitting the generated electricity to wholesale markets by one or more coal, geothermal,  
19 hydrogen, hydropower, natural gas, or nuclear electric generation facilities for the economic life  
20 of the facilities:

21 (3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air  
22 Quality of the West Virginia Department of Environmental Protection ~~for one or more natural gas~~  
23 the electric generation facilities; and

24 (4) Geographic locations that can demonstrate that allowable emission increases from  
25 one or more ~~natural gas~~ electric generation facilities, in conjunction with all other applicable  
26 emission increases or reductions (including secondary emissions), would not cause or contribute  
27 to air pollution in violation of:

28 (A) Any national or West Virginia ambient air quality standard in any air quality control  
29 region; or

30 (B) Any applicable maximum allowable increase over the baseline concentration in any  
31 area.

#### **§5B-2N-4. Designation of sites suitable for natural-gas electric generation projects.**

1 (a) Following identification of economically viable sites that may be suitable for ~~natural gas~~  
2 electric generation projects, the ~~Secretary of the Department of Economic Development Director~~  
3 of the Office of Energy shall identify and designate each site it has determined to be suitable for  
4 coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation projects as a  
5 "designated site", and shall communicate the designated sites to the West Virginia Department

6 of Environmental Protection's Division of Air Quality and the West Virginia Public Service  
7 Commission as sites suitable for the construction and operation of coal, geothermal, hydrogen,  
8 hydropower, natural gas, or nuclear electric generation projects.

9 (b) Any application for a siting certificate pursuant to §24-2-11c of the West Virginia Code  
10 filed with the Public Service Commission to construct or to construct and operate a coal,  
11 geothermal, hydrogen, hydropower, natural gas, or nuclear electric generation project at a  
12 designated site shall be adjudicated, inclusive of public hearings, and a final order issued by the  
13 Public Service Commission, within 270 calendar days after the date of the filing of the application,  
14 notwithstanding the requirements of any other provision of this code.

15 (c) Nothing in this section is intended to preclude, modify, or establish new Public Service  
16 Commission jurisdiction over:

17 (1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public  
18 Energy Authority Act;

19 (2) The right of end-user consumers of electricity to develop, invest in, or otherwise  
20 contract for on-site electric self-generation or cogeneration facilities, including those utilizing  
21 natural gas as a fuel source;

22 (3) This section does not alter, modify, or cancel any existing cogeneration tariffs  
23 authorized by the Public Service Commission; and

24 (4) This section does not authorize the sale of electricity to end-users in the state.

25 (d) Where a designated site has been identified, in accordance with §22-5-11b(b) of this  
26 code, as a location where additional data would be helpful for modeling or other evaluation of the  
27 potential emission of a coal, geothermal, hydrogen, hydropower, natural gas, or nuclear electric  
28 generation project, the Department of Economic Development Office of Energy shall may consult  
29 with or retain such experts as construct such facilities as are necessary to acquire such data.

#### **§5B-2N-4a. Energy-Ready Community Designation; Criteria; Application Process; Award**

##### **Process.**

1       (a) The Office of Energy shall propose rules for legislative approval in accordance with the  
2 provisions of §29a-3-1 *et seq.* of this code to establish a procedure and criteria for awarding a  
3 coal-, geothermal-, hydrogen-, hydropower-, natural gas-, or nuclear-ready community  
4 designation to demonstrate a community's voluntary readiness to welcome electric generation-  
5 related development. The procedure and criteria to attain the designation shall include:

6           (1) The holding of local public educational meetings, by a county or municipality, to  
7 educate the community on coal, geothermal, hydrogen, hydropower, natural gas, or nuclear  
8 electric generation technologies, the related ecosystem, and the role that energy-related  
9 development could play in the community;

10           (2) The availability of at least one site within the community that has been designated by  
11 the Office of Energy as a "Designated Site" suitable for a coal, geothermal, hydrogen, hydropower,  
12 natural gas, or nuclear electric generation project; and

13           (3) The adoption of resolutions from the county or the municipalities within the designation  
14 area requesting a designation of the community's readiness for energy-related projects to be  
15 developed and sited there.

16       (b) Communities may voluntarily apply to the Office of Energy for an energy-ready  
17 community designation in the form and manner as the Office may require, and the Office shall  
18 evaluate the application and award the designation based on the criteria established under  
19 subsection (a) of this section.

#### **§5B-2N-5. Development of State Energy Security Plan.**

1       (a) The Office of Energy shall develop a State Energy Security Plan and shall submit a  
2 report of its plan to the Governor and the Joint Committee on Government and Finance before on  
3 or before December 1 of 2026 and every five years thereafter. The State Security Energy Plan  
4 shall at a minimum:

5           (1) Provide a state energy profile, including an assessment of energy production,  
6 transmission, distribution and end-use;

7        (2) Identify all energy sources and regulated and unregulated energy providers;  
8        (3) Address potential hazards to each energy sector or system, including physical threats,  
9        cybersecurity threats and vulnerabilities;  
10      (4) Provide a risk assessment of energy infrastructure and cross-sector  
11      interdependencies;  
12      (5) Provide a risk-mitigation approach to enhance reliability and end-use resilience;  
13      (6) Identify existing legislation and institutions responsible for energy security in West  
14      Virginia, including federal and state agencies and emergency response procedures  
15      (7) Address coordination between state agencies, local governments and energy  
16      providers; and  
17      (8) Describe response processes and responsible authorities for energy emergencies.  
18      (b) Nothing in this section is intended to preclude, modify or interfere with other state  
19      agencies in the performance of their duties and obligations during an energy emergency.  
20      (c) Any plan developed by the Office of Energy pursuant to this section shall be kept  
21      confidential and exempt from disclosure under the Freedom of Information Act under §29B-1-1 et  
22      seq., of this code.

#### **§5B-2N-6. Biannual Energy Emergency Exercise.**

1        (a) The Office of Energy shall conduct an energy emergency exercise by no later than July  
2        1, 2027. It shall conduct additional energy emergency exercises every two years thereafter. The  
3        Office shall invite representatives from the following entities to participate in the energy  
4        emergency exercise and shall provide said representatives with at least thirty-days advance  
5        written notice of the energy emergency exercise:  
6        (1) All electric utilities regulated by the West Virginia Public Service Commission;  
7        (2) West Virginia Public Service Commission;  
8        (3) West Virginia Office of Technology;  
9        (4) West Virginia Governor's Office;

10                   (5) West Virginia Legislature;  
11                   (6) West Virginia Fusion Center;  
12                   (7) West Virginia Department of Homeland Security;  
13                   (8) West Virginia Emergency Management Division;  
14                   (9) West Virginia National Guard;  
15                   (10) West Virginia Department of Transportation;  
16                   (11) West Virginia Department of Environmental Protection;  
17                   (12) Federal Emergency Management Administration;  
18                   (13) United States Department of Energy, Office of Cybersecurity, Energy Security and  
19                   Emergency Response;  
20                   (14) United States Department of Homeland Security;  
21                   (15) United States Cybersecurity and Infrastructure Security Agency;  
22                   (16) West Virginia University; and  
23                   (17) Marshall University.  
24                   (b) The Office of Energy shall conduct the energy emergency exercise so as to allow the  
25                   various participating state and federal agencies and other entities to access their energy  
26                   emergency preparedness in a risk-free environment.  
27                   (c) Within thirty days of completing the energy emergency exercise, the Office shall  
28                   provide a report to the the Governor and the Joint Committee on Government and Finance. The  
29                   report shall  
30                   (1) Address whether the State Energy Security Plan properly delineates the roles and  
31                   responsibilities of the various entities participating in the exercise and provide recommendations  
32                   for improving the State Energy Security Plan; and  
33                   (2) Recommend improvements in the communication protocols among state agencies, the  
34                   federal government, the private sector, other participating entities and the public.  
35                   (d) Information developed by the Office of Energy pursuant to this section shall be kept

36 confidential and exempt from disclosure under the Freedom of Information Act under §29B-1-1 et  
37 seq., of this code.

## **ARTICLE 20. COAL FIRED GRID STABILIZATION AND SECURITY ACT OF 2023.**

### **§5B-20-1. Short title.**

1 [Repealed]

### **§5B-20-2. Legislative findings; declaration of public policy.**

1 [Repealed]

### **§5B-20-3. Identification of suitable sites for coal electric generation projects.**

1 [Repealed]

### **§5B-20-4. Designation of sites suitable for coal electric generation projects.**

1 [Repealed]

## **CHAPTER 5D. PUBLIC ENERGY AUTHORITY ACT.**

## **ARTICLE 1. PUBLIC ENERGY AUTHORITY OF THE STATE OF WEST VIRGINIA.**

### **§5D-1-1. Short title Termination of the Public Energy Authority.**

1 This chapter shall be known and cited as the "West Virginia Public Energy Authority Act."  
2 The Public Energy Authority of West Virginia is hereby terminated, and all of the authorities  
3 records, assets, equipment, and rules shall be transferred to the Office of Energy.

### **§5D-1-2. Purpose and intent.**

1 [Repealed]

### **§5D-1-3. Definitions.**

1 Repealed]

### **§5D-1-4. West Virginia Public Energy Authority continued; West Virginia Public Energy Board continued; organization of authority and board; appointment of board members; term, compensation and expenses; director of authority; appointment.**

1 [Repealed]

**§5D-1-5. Powers, duties and responsibilities of authority generally; termination of certain powers.**

2        [Repealed]

**§5D-1-5a. Publication of notice of certain meetings.**

1        [Repealed]

**§5D-1-5b. Public hearing before final consideration of bond issue or exercise of right of eminent domain.**

1        [Repealed]

**§5D-1-5c. Approval of decommissioning or deconstructing an existing power plant.**

1        [Repealed]

**§5D-1-6. Authority may construct, finance, lease, sell, maintain, etc., electric power projects and transmission facilities.**

2        [Repealed].

**§5D-1-7. Authority may construct, finance, maintain, etc., natural gas transmission projects and facilities.**

1        [Repealed]

**§5D-1-8. Annual report to Governor and Legislature; audit.**

1        [Repealed]

**§5D-1-9. Expenses of authority.**

1        [Repealed]

**§5D-1-10. Use of funds by authority; restrictions.**

1        [Repealed]

**§5D-1-11. Investment of funds by authority.**

1        [Repealed]

**§5D-1-12. Maintenance, operation and repair of projects.**

1        [Repealed]

**§5D-1-13. Bonds lawful investments.**

1        [Repealed]

**§5D-1-14. Exemption from taxation.**

1        [Repealed]

**§5D-1-15. Acquisition of property by authority -- Acquisition by purchase, lease or eminent domain; governmental agencies authorized to convey, etc., property; sale of property by authority.**

1        [Repealed]

**§5D-1-16. Authority not public utility and not subject to full jurisdiction of Public Service Commission; authority subject to provisions concerning gas pipeline safety.**

1        [Repealed]

**§5D-1-17. Transportation of gas from natural gas transportation projects by gas utility pipelines as common carriers.**

1        [Repealed]

**§5D-1-18. Transportation fees and other revenues from natural gas transmission projects owned by the authority.**

1        [Repealed]

**§5D-1-19. Financial interest in contracts prohibited; penalty.**

1        [Repealed]

**§5D-1-20. Personal liability of members or persons acting on behalf of the authority.**

1        [Repealed]

**§5D-1-21. Meetings and records of authority to be kept public.**

1        [Repealed]

**§5D-1-22. Liberal construction of article.**

1        [Repealed]

**§5D-1-23. Severability.**

1

[Repealed]

NOTE: The purpose of this bill is to consolidate several disparate energy development entities under the Office of Energy umbrella and to empower the Office of Energy to develop a comprehensive energy development policy and plan, a comprehensive grid stabilization plan, and to test the stability of West Virginia's energy grid.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

**DRAFT**