

1 may receive federal funds. The division shall be administered by
2 a director, who shall be appointed by the Governor, by and with the
3 advice and consent of the Senate, and shall continue to serve until
4 his or her successor is appointed and qualified as provided. The
5 director shall be selected with special preference and
6 consideration given to his or her training, experience, capacity
7 and interest in energy policy and development activities.

8 (b) Creation of the division is intended to provide leadership
9 for developing energy policies emphasizing the increased efficiency
10 of energy use, the increased development and production of new and
11 existing domestic energy sources, the increased awareness of energy
12 use on the environment and the economy, dependable, efficient and
13 economical statewide energy systems capable of supporting the needs
14 of the state, increased energy self-sufficiency where the ratio of
15 indigenous to imported energy use is increased, reduce the ratio
16 energy consumption to economic activity and maintain low-cost
17 energy. The energy policies and development plans shall also
18 provide direction for the private sector.

19 (c) The director shall administer the daily operations of the
20 Public Energy Authority provided under the provisions of chapter
21 five-d of this code. The director shall also have authority over
22 the Office of Coalfield Community Development, created by the
23 provisions of article two-a of this chapter, and the energy
24 efficiency program existing under the West Virginia Development

1 Office which are hereby transferred to the division. The director
2 shall effectuate coordination of these entities relative to the
3 purposes provided in this article.

4 (d) The division shall develop an energy policy and shall
5 report the same back to the Governor and the Joint Committee on
6 Government and Finance before December 1, 2007. The energy policy
7 shall be a five-year plan setting forth the state's energy policies
8 and shall provide a direction for the private sector. Prior to the
9 expiration of the energy policy, the division shall begin review of
10 the policy and submit a revised energy policy to the Governor and
11 the Joint Committee on Government and Finance six months before the
12 expiration of the policy.

13 (e) The director shall be a member of the Public Energy
14 Authority and as such shall attend and participate in all official
15 meetings and public hearings conducted under the auspices of the
16 authority.

17 (f) The division shall prepare and submit an annual energy
18 development plan to the Governor and the Joint Committee on
19 Government and Finance on or before December 1 of each year. The
20 development plan shall relate to the division's implementation of
21 the energy policy and the activities of the division during the
22 previous year. The development plan shall include any recommended
23 legislation. The Public Energy Authority, the Office of Coalfield
24 Community Development, the energy efficiency program, the

1 Department of Environmental Protection and the Public Service
2 Commission, in addition to their other duties prescribed by this
3 code, shall assist the division and the director in the development
4 of an energy policy and related development plans. The energy
5 development plan shall set forth the plans for implementing the
6 state's energy policy and shall provide a direction for the private
7 sector. The energy development plan shall recognize the powers of
8 the Public Energy Authority as to development and financing of
9 projects under its jurisdiction and shall make such recommendations
10 as are reasonable and practicable for the exercise of such powers.

11 (g) The division shall hold public hearings and meetings with
12 notice to receive public input regarding proposed energy policies
13 and development plans. The energy policy and development plans
14 required by subsections (d) and (f) of this section shall address
15 increased efficiency of energy use, traditional and alternative
16 energy, water as a resource and a component of energy production,
17 energy distribution systems, the siting of energy facilities, the
18 increased development and production of new and existing domestic
19 energy sources, increased awareness of energy use on the
20 environment and the economy, energy infrastructure, the development
21 and implementation of renewable, clean, technically innovative and
22 advanced energy projects in this state. Projects may include,
23 without limitation, solar and wind energy, low-impact hydro power,
24 geothermal, biomass, landfill gas, fuel cells, renewable hydrogen

1 fuel technologies, waste coal, coal mine methane, coal gasification
2 to ultraclean fuels, solid waste to fuel grade ethanol and coal
3 liquefaction technologies.

4 (h) The division may propose rules for legislative approval in
5 accordance with the provisions of article three, chapter twenty-
6 nine-a of this code designed to implement an energy policy and
7 development plan in accordance with the provisions of this chapter.

8 (i) The energy policy and development plans required by
9 subsections (d) and (f) of this section shall identify and report
10 on the energy infrastructure in this state and include without
11 limitation energy infrastructure related to protecting the state's
12 essential data, information systems and critical government
13 services in times of emergency, inoperativeness or disaster. In
14 consultation with the Director of the Division of Homeland Security
15 and Emergency Management, the director of the division shall
16 encourage the development of energy infrastructure and strategic
17 resources that will ensure the continuity of governmental
18 operations in situations of emergency, inoperativeness or disaster.

19 (j) In preparing or revising the energy policy and development
20 plan, the division may rely upon internal staff reports or the
21 advice of outside advisors or consultants and may procure such
22 services with the consent of the Secretary of Commerce. The
23 division may also involve national, state and local government
24 leadership and energy experts.

1 (k) The division shall prepare an energy use database,
2 including without limitation, end-use applications and
3 infrastructure needs for different classes of energy users
4 including residential, commercial and industrial users, data
5 regarding the interdependencies and sources of electricity, oil,
6 coal, water and gas infrastructure, data regarding energy use of
7 schools and state-owned facilities and collect data on the impact
8 of the energy policy and development plan on the decisions and
9 strategies of energy users of the state.

10 (l) The division shall promote collaboration between the
11 state's universities and colleges, private industry and nonprofit
12 organizations to encourage energy research and leverage available
13 federal energy research and development resources.

14 (m) The division shall promote initiatives to enhance the
15 nation's energy security through research and development directed
16 at transforming the state's energy resources into the resources
17 that fuel the nation.

18 (n) The Performance Evaluation and Research Division of the
19 Legislative Auditor's office shall perform an agency review of the
20 Division of Energy in 2010 as part of its review of the Department
21 of Commerce as set forth in article four, chapter ten of this code.

22 (o) The division shall work with the President of the United
23 States and his or her administration to develop a plan that would
24 allow West Virginia to become the leader in transitioning the

1 United States to a new energy future.

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

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

9 (r) The division shall develop and distribute an informational
10 program and policies that emphasize the importance of West Virginia
11 energy resources and their positive impact on the eastern seaboard
12 and the nation.

13 (s) The division shall monitor legal challenges to the energy
14 industries in the state and submit a report quarterly to the Joint
15 Committee on Government and Finance. The report shall contain
16 information relating to any litigation that challenges any statute
17 that could affect the production, distribution and utilization of
18 natural resources of the state.

19 (t) The division may develop an energy related public
20 relations campaign focused on educating Washington, D.C. and the
21 federal government about West Virginia coal and its positive impact
22 on the eastern seaboard.

NOTE: The purpose of this bill is to allow the Division of Energy to develop an energy related public relations campaign focused on educating the Washington, D.C. area and the federal government about West Virginia coal and its positive impact on the eastern seaboard.

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