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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO.** *631*

**(By Senator** *Tomblin, Mr. President, et al* **)**

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**PASSED** *April 14, 2001*

**In Effect** *90 days from* **Passage**

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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 631**

(SENATORS TOMBLIN, MR. PRESIDENT, ANDERSON, BAILEY,  
BOWMAN, CALDWELL, CHAFIN, CRAIGO, EDGELL, FACEMYER,  
FANNING, HELMICK, JACKSON, KESSLER, LOVE, MCCABE,  
MINARD, MINEAR, PLYMALE, PREZIOSO, REDD, ROSS, ROWE,  
SHARPE, SNYDER, UNGER, WOOTON, SPROUSE, MCKENZIE,  
OLIVERIO, MITCHELL AND HUNTER, *original sponsors*)

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[Passed April 14, 2001; in effect ninety days from passage.]

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AN ACT to amend chapter five-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two, relating to creating the West Virginia clean coal technology council to develop pilot projects relating to clean coal and alternative coal use; legislative findings; definitions; membership and terms of the council; meeting requirements; continuation of council; and powers and duties of the council.

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

That chapter five-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two, to read as follows:

**ARTICLE 2. WEST VIRGINIA CLEAN COAL TECHNOLOGY ACT.**

**§5C-2-1. Legislative findings.**

1 (a) The Legislature finds that:

2 (1) Coal is an important fuel source for keeping the  
3 household energy costs low in the state of West Virginia;

4 (2) Continued protection of the state's environment,  
5 public health and welfare requires that new emissions  
6 reduction technologies that protect and improve air  
7 quality be evaluated for their environmental effectiveness  
8 and economic viability;

9 (3) The diversity of fuel used to generate electricity is a  
10 significant factor in providing reliable and economical  
11 energy to the citizens of the state of West Virginia;

12 (4) The price of electricity generated with coal has  
13 remained relatively unchanged over the past twenty years;

14 (5) The continued recovery and utilization of coal  
15 resources are important to the state's economy;

16 (6) Advancements in clean coal technology clearly  
17 demonstrate that electricity from coal can be produced in  
18 a more efficient, economical and environmentally friendly  
19 manner; and

20 (7) Advancements in alternative coal usage has produced  
21 useful household, commercial and industrial technologies.

22 (b) The Legislature determines that, consistent with the  
23 protection of the public health and welfare, the protection  
24 of air quality, the protection of the environment, the  
25 operation of existing industries, the enhancement of the  
26 long-term economic health and the improved reliability of

27 electric generation in the state, it is a goal of this state's  
28 energy policy that technologies be explored to increase the  
29 efficiencies and decrease the emissions from electricity  
30 generated by coal.

31 (c) It is the policy of this state that clean coal technolo-  
32 gies and alternative coal uses will be explored in order to:

33 (1) Preserve fuel diversity and maintain reliable, low-  
34 cost sources of electric power;

35 (2) Identify technologies for reducing the emissions from  
36 existing coal-fired electric generation; and

37 (3) Identify new, cleaner coal-fired electric generation  
38 technologies that may be used to provide new generating  
39 capacity.

**§5C-2-2. Definitions.**

1 In this section:

2 (1) "Council" means the West Virginia clean coal  
3 technology council.

4 (2) "Designated agency" means the state agency desig-  
5 nated by the council to provide administrative support to  
6 the council.

7 (3) "Pilot projects" means the voluntary application of  
8 new coal utilization technology on existing or new facili-  
9 ties designed to reduce the emission of air pollutants.

**§5C-2-3. Creation and membership of the West Virginia clean  
coal technology council.**

1 (a) The West Virginia clean coal technology council is  
2 created with legislative oversight to coordinate actions for  
3 the study and development of clean coal technology pilot  
4 projects in this state.

5 (b) The council is composed of:

6 (1) Three state senators to be appointed by the president  
7 of the Senate, with one being designated as cochair;

8 (2) Three state delegates to be appointed by the speaker  
9 of the House, with one being designated as cochair;

10 (3) Two members representing coal operators' viewpoint  
11 to be appointed by the governor from a list of three  
12 nominees for each position submitted by the major trade  
13 association which represents coal operators accounting for  
14 over one half of the coal produced in mines in this state in  
15 the year prior to the year in which the appointment is to be  
16 made;

17 (4) Two members representing coal miners' viewpoint to  
18 be appointed by the governor from a list of three nominees  
19 for each position submitted by the highest ranking official  
20 within the major employee organization representing coal  
21 miners; and

22 (5) Two members who have knowledge of and experi-  
23 ence in the field of coal technology to be appointed by the  
24 governor.

**§5C-2-4. Administration.**

1 (a) Members of the council shall be appointed for two-  
2 year terms and may be reappointed for additional terms;

3 (b) The council shall meet not less than once each  
4 calendar quarter for the first year and at a frequency to be  
5 determined by the council thereafter, at a time determined  
6 by the council and at the call of the cochairs;

7 (c) An appropriate state agency shall be designated by  
8 the council as being responsible for administering the  
9 council. The designated agency shall provide, from its  
10 existing staff, the staff necessary to assist the council in  
11 carrying out its responsibilities. This agency shall have  
12 the authority to request and distribute federal funding for  
13 use by the council in carrying out its responsibilities;

14 (d) The council is subject to the administrative proce-  
15 dures act pursuant to chapter twenty-nine-a of this code.

**§5C-2-5. Powers, duties, information and reports of council.**

1 (a) The council shall:

2 (1) Coordinate the activities of the designated agency  
3 with regard to the specific clean coal technology charges  
4 of this council with appropriate private, public, state or  
5 federal agencies/organizations;

6 (2) Provide direction to the designated agency to study,  
7 develop and promulgate requests for proposals for pilot  
8 projects in West Virginia that will assist the council in  
9 evaluating technologies, assessing economics, evaluating  
10 the environmental benefits, seeking funds, evaluating the  
11 useful life of pilot projects and determining the impor-  
12 tance of clean coal technologies to energy policy in West  
13 Virginia. Requests for proposals shall include an assess-  
14 ment of the potential for the use of financial and other  
15 incentives for potential respondents;

16 (3) Provide oversight to the designated agency in seeking  
17 public and private funding to support the activities of the  
18 council and the financing of pilot projects;

19 (4) Determine a reasonable projected duration for the  
20 pilot projects;

21 (5) Encourage and facilitate the development of alterna-  
22 tive coal uses and related coal technologies;

23 (6) File with the governor, speaker of the House of  
24 Delegates and president of the Senate before the date that  
25 the next regular legislative session convenes a report of the  
26 council's activities during the two proceeding years and  
27 any recommendations for legislation considered necessary  
28 with regard to the pilot projects; and

29 (7) Publish the report required by subdivision (6) of this  
30 subsection.

31 (b) The designated state agency having the responsibil-  
32 ity for administering the clean coal technology council  
33 shall maintain a public file relating to the council.

34 (c) The designated agency having responsibility for  
35 administering the clean coal technology council shall make  
36 available to the public a copy of any council report that is  
37 provided to the Legislature.

**§5C-2-6. Continuation of council.**

1 Pursuant to the provisions of article ten, chapter four of  
2 this code, the council for clean coal technology shall  
3 continue to exist until the first day of July, two thousand  
4 five, unless sooner terminated or unless continued or  
5 reestablished pursuant to the provisions of that article.

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

*Cam Moore*  
.....  
Chairman Senate Committee

*John S. ...*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell G. ...*  
.....  
Clerk of the Senate

*Bugsy M. ...*  
.....  
Clerk of the House of Delegates

*Carl R. ...*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is* approved this the *2nd*  
Day of *May*, 2001.

*Bob Wise*  
.....  
Governor



PRESENTED TO THE

GOVERNOR/

Date 5/1/01

Time 2:25 pm