

**H. B. 4469**

(By Delegates Tomblin, R. Phillips, Eldridge,  
Marcum, Barker, Lynch, Boggs, White, Caputo,  
Andes and R. Smith)

[Introduced February 11, 2014; referred to the  
Committee on Energy then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §5B-2F-3, relating to  
requiring the Director of the Division of Energy to develop an  
energy independence policy that ensures all oil, gas and coal  
produced in the state to be first used within the state before  
being exported to other states; making findings; requiring the  
Director of the Division of Energy to work with the Public  
Service Commission to develop a policy to ensure that public  
utilities maintain a thirty to forty-five day supply of feed  
stock; requiring the Director of the Division of Energy to  
work with the Public Service Commission to promulgate rules on  
consumer priority in the event of an energy shortage;  
requiring other rule-making; requiring public hearings; and  
requiring the creation of a database.

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

That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new section, designated §5B-2F-3, to read as  
2 follows:

3 **ARTICLE 2F. DIVISION OF ENERGY.**

4 **§5B-2F-3. Energy independence development plan; findings;**  
5 **cooperation with other agencies; public hearings;**  
6 **rule-making; reporting; database.**

7 (a) Findings. -- The Legislature finds that production of oil,  
8 gas and coal is very important to the economy of this state and the  
9 state's energy future, and that a sound economy is in the public  
10 interest and promotes the general welfare of the people of this  
11 state. In order to encourage capital investment in this state,  
12 thereby increasing employment and economic development, the  
13 director shall develop an energy independence policy to ensure that  
14 all oil, gas and coal produced in the state be made available for  
15 use within the state before being exported to other states. The  
16 policy shall be a five-year plan and shall provide direction for  
17 the private sector. The director shall report back to the Governor  
18 and the Joint Committee on Government and Finance before December  
19 1, 2014.

20 (b) Cooperation with the Public Service Commission. -- The  
21 director shall also work with the Public Service Commission to  
22 develop an energy independence policy to ensure that public  
23 utilities maintain a thirty to forty-five day supply of oil, gas

1 and coal feed stock and, in conjunction with the commission,  
2 promulgate rules on consumer priority in the event of an energy  
3 shortage.

4 (c) Energy independence development plan. -- The director  
5 shall prepare and submit an annual energy independence development  
6 plan to the Governor and the Joint Committee on Government and  
7 Finance on or before December 1 of each year. The plan shall  
8 relate to the division's implementation of the energy independence  
9 policy and the activities of the division during the previous year.  
10 The plan shall include any recommended legislation. The Public  
11 Energy Authority, the Office of Coalfield Community Development,  
12 the energy efficiency program, the Office of Oil and Gas, the  
13 Department of Environmental Protection and the Public Service  
14 Commission, in addition to their other duties prescribed by this  
15 code, shall assist the division and the director in the development  
16 of an energy independence policy and related development plans.  
17 The energy independence development plan shall set forth the plans  
18 for implementing the state's energy independence policy and shall  
19 provide a direction for the private sector.

20 (d) Public hearings. -- The division shall hold public  
21 hearings and meetings with notice to receive public input regarding  
22 proposed energy independence policies and development plans. The  
23 energy independence policy and development plans required by this  
24 section shall address increased efficiency of energy use.

1       (e) Rule-making. -- The division may propose rules for  
2 legislative approval in accordance with article three, chapter  
3 twenty-nine-a of this code designed to implement an energy  
4 independence policy and development plan in accordance with this  
5 section.

6       (f) Preparation of plan. -- In preparing or revising the  
7 energy independence policy and development plan, the division may  
8 rely upon internal staff reports or the advice of outside advisors  
9 or consultants and may procure such services with the consent of  
10 the Secretary of Commerce. The division may also involve national,  
11 state and local government leadership and energy experts.

12       (g) Database. -- The division shall prepare an energy  
13 independence use database, including without limitation, end-use  
14 applications and infrastructure needs for different classes of  
15 energy users including residential, commercial and industrial  
16 users, data regarding the interdependencies and sources of  
17 electricity, oil, coal, water and gas infrastructure, data  
18 regarding energy use of schools and state-owned facilities and  
19 collect data on the impact of the energy policy and development  
20 plan on the decisions and strategies of energy users of the state.

NOTE: The purpose of this bill is to require the Director of the Division of Energy to develop an energy independence policy that ensures all oil, gas and coal produced in the state be first used within the state before being exported to other states. The

bill makes findings. The bill requires the Director of the Division of Energy to work with the Public Service Commission to develop a policy to ensure that public utilities to maintain a thirty to forty-five day supply of feed stock. The bill requires Director of the Division of Energy to work with the Public Service Commission to promulgate rules on consumer priority in the event of an energy shortage. The bill requires other rule-making. The bill requires public hearings. The bill requires the creation of a database.

This section is new; therefore, it has been completely underscored.