

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4103

By Delegate Smith

[Introduced January 10, 2024; Referred
to Committee on Energy and Manufacturing then the
Judiciary]

1 A BILL to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to
 2 authorizing the Public Energy Authority to promulgate a legislative rule relating to rule to
 3 petition the Public Energy Authority for approval of decommissioning or deconstruction
 4 activities related to any coal, oil, or natural gas fueled power plant.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO
 PROMULGATE LEGISLATIVE RULES.**

§64-10-1. Public Energy Authority.

1 The legislative rule filed in the State Register on September 7, 2023, authorized under the
 2 authority of §5D-1-5c of this code, relating to the Public Energy Authority (rule to petition the Public
 3 Energy Authority for approval of decommissioning or deconstruction activities related to any coal,
 4 oil, or natural gas fueled power plant, [53 CSR 05](#)), is authorized with the amendments set forth
 5 below:

6 On page 3, by striking out subsection 4.3 in its entirety and inserting in lieu thereof a new
 7 subsection 4.3 to read as follows:

8 "4.3. One paper copy and one electronic PDF version of the Notice shall be filed with the
 9 Authority, in addition to the requirements set forth in 6.1., 6.2., 6.3., and 6.4. of this rule."

10 On page 7, subsection 5.3. by striking out the word "five (5)" and inserting in lieu thereof
 11 "20";

12 On page 7, subdivision 5.3.1. by striking out the word "five (5)" and inserting in lieu thereof
 13 "20";

14 On page 7, subdivision 5.3.3. by striking out the word "Eight (8) copies" and inserting in lieu
 15 thereof the words: "One paper copy and one electronic PDF version";

16 On page 7, by striking out subdivision 6.2.1. in its entirety;

17 On page 7, subsection 6.3., after the word "A", by striking the word "copy" and inserting in

18 lieu thereof the following "paper copy or electronic PDF version";

19 On page 8, subsection 7.6., by striking out the first comma, the words "not to exceed three
20 (3) pages", and the second comma;

21 On page 8, subdivision 8.1.3. by striking out "three-page";

22 On page 8, by inserting a new subdivision, designated 8.1.4, to read as follows:

23 "The Authority shall make a decision on the Petition within one year after the submission of
24 the Petition.";

25 On page 9, by striking out subsections 9.2. and 9.2.1. in their entirety and inserting in lieu
26 thereof the new subsections 9.2. and 9.2.1. to read as follows:

27 9.2. A Petitioner may redact or withhold any confidential or proprietary
28 information that the Petitioner cannot legally disclose. The Petitioner shall include with the Petition
29 a letter generally describing the nature of the information redacted or withheld and the legal
30 justification for the redaction or withholding of the information.

31 9.2.1. The Authority may determine in executive session what additional
32 information is exempt from public disclosure under the West Virginia Freedom of Information Act
33 and may make any additional redactions prior to publishing the Petition on the Authority's website.

34 And,

35 On page 9, by adding a new section, designated §53-5-10 to read as follows:

36 **§53-5-10. Appeals.**

37 10.1. All proceedings in the appeal of the Authority's actions concerning a Petition or the
38 proceedings therefore, and any judicial review thereof, shall be conducted in accordance with the
39 provisions of §29A-5-1 et seq. of this code and any procedural rules adopted pursuant thereto."

NOTE: The purpose of this bill is to authorize the Public Energy Authority to promulgate a legislative rule relating to rule to petition the Public Energy Authority for approval of decommissioning or deconstruction activities related to any coal, oil, or natural gas fueled power plant.

This section is new; therefore, strike-throughs and underscoring have been omitted.