

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4002

BY DELEGATES RILEY, WAMSLEY, COOPER, QUEEN,
STORCH, BARRETT, HAMRICK, WORRELL, KIMES, SMITH,
AND ESPINOSA

[Passed March 12, 2022; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5B-2-18, relating to the creation of the Certified Sites and Development
3 Readiness Program under the Department of Economic Development; requiring the
4 department to develop evaluation criteria and site certification levels; establishing
5 application processes for program; establishing eligible applicants; allowing the
6 department to select sites for the program from applications; providing for the review of
7 sites and reporting to applicants of the site's readiness; creating two types of grants;
8 allowing the department to choose sites to provide matching grant funds to develop sites
9 included in the program; establishing requirements for the matching grant funding;
10 allowing the department to choose recipients for micro-grants; providing the department
11 the authority to set forth criteria for micro-grants; limiting the amount of funds which may
12 be expended per site; providing for the repayment of funds from matching grants; and
13 creating the Certified Sites and Development Readiness Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-18. Certified Sites and Development Readiness Program.

1 (a)(1) The Certified Sites and Development Readiness Program is hereby created and is
2 to be administered as a program within the Department of Economic Development with
3 appropriate rules as necessary. The program shall establish evaluation criteria and site
4 certification levels based upon developmental readiness of an applicant's site. In developing the
5 program, the department shall consider utilizing all available resources and technical support,
6 both public and private.

7 (2) The department shall establish an application process and forms through which an
8 applicant may begin to participate in the program and identify and describe potential sites for
9 economic development and investment. The application process and forms should include site
10 specific information such as property ownership and control, descriptions and mapping, historical

11 and current uses, access to various forms of transportation, availability of various utility services,
12 environmental studies, conceptual plans, marketing materials, and all other information requested
13 by the department.

14 (3) Applicants may include only state, county, municipal, or regional governmental entities
15 such as, without limitation, economic development authorities, economic development
16 corporations, economic development alliances, or economic development partnerships.

17 (4) The department shall select applicant's sites to participate in the program from the
18 application materials. The department will select sites to participate in the program, evaluate the
19 selected sites, and certify each site based upon its readiness to be developed from the established
20 criteria. After evaluation, the department shall provide a report to the applicant detailing the results
21 of the site evaluation, identifying site deficiencies and strengths, and suggesting a prioritized list
22 of site improvements which may be made to improve the site's readiness to develop. The
23 department may thereafter reevaluate and recertify a site as improvements are made to a site
24 and deficiencies cured.

25 (5) The department may provide to applicants funding assistance up to a 50 percent match
26 through a matching grant program which may be spent only for directly improving the
27 developmental readiness of sites which have been selected to participate in the program. The
28 department shall establish criteria and an application process for awarding matching grants to
29 improve an applicant's site readiness: *Provided*, That no single site may receive any amount
30 greater than a maximum amount established by the department through this grant matching
31 program. Applications for this grant matching program must include details which specifically
32 identify what deficiency or deficiencies will be cured and through what means and all other
33 information required by the department. Grant matching funds must be spent, contracted to be
34 spent, or returned to the department within 12 months of the date of receipt of the grant matching
35 funds. Grant matching funds shall be paid back to the department when a participating site is sold
36 or leased for development. The department shall take prudent steps to receive a security interest

37 in a participating site in the amount of the grant matching funds award including, but not limited
38 to, placing of record in the county where the participating site is located, an appropriate lien
39 against the title. All funds repaid under this section shall remain within the program for use on
40 participating sites. The department shall monitor, and request appropriate evidence documenting
41 the cured deficiencies and thereafter reevaluate and recertify a participating site as part of this
42 grant matching program.

43 (6) The department may provide funding assistance to applicants through a micro grant
44 program which may be spent only for directly improving the developmental readiness of sites
45 which have been selected to participate in the program. The department shall establish criteria
46 and an application process for awarding the micro grants to improve an applicant's site readiness:
47 *Provided*, That no single site may receive any amount greater than \$25,000 through this micro
48 grant program. Applications for this micro grant program must include details which specifically
49 identify what deficiency or deficiencies will be cured and through what means and all other
50 information required by the department. Micro grant funds must be spent, contracted to be spent,
51 or returned to the department within 12 months of the date of receipt of the micro grant funds. All
52 funds returned under this section shall remain within the program for use on participating sites.
53 The department shall monitor and request appropriate evidence documenting the cured
54 deficiency and thereafter reevaluate and recertify a participating site as part of this micro grant
55 program.

56 (b) (1) The Certified Sites and Development Readiness Fund is hereby created. The fund
57 shall be administered by the Department of Economic Development and shall consist of all
58 moneys made available for the purposes from

59 (A) Appropriations provided by the Legislature;

60 (B) Any moneys available from external sources; and

61 (C) All interest and other income earned from investment of moneys in the fund.

62 (2) The Department of Economic Development shall use moneys in the fund to support
63 The Certified Sites and Development Readiness Program.

64 (3) Any balance, including accrued interest and any other returns, in the fund at the end
65 of each fiscal year may not expire to the General Revenue Fund but shall remain in the fund and
66 be expended for the purposes provided by this section.

67 (4) Fund balances may be invested under §12-6C-6 of this code. Earnings on the
68 investments shall be used solely for the purposes defined in this section.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2022.

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Governor