

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4479

FISCAL  
NOTE

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BRIDGES, AND HANSEN

[Introduced February 1, 2022; referred  
to the Committee on Select Committee on  
Coalfield Communities then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, and §5B-2K-6, all  
 3 relating to establishing the Coalfield Communities Grant Facilitation Commission;  
 4 providing legislative findings; establishing the Commission and providing for its  
 5 membership and duties; providing for commission assistance from the Economic  
 6 Development Authority and certain institutions of higher education; authoring the  
 7 Commission to provide the local match portion for local public and private entities applying  
 8 for grants from federal, state and private sources; providing what constitutes a public  
 9 purpose for eligibility for grant match; establishing a special revenue account; directing the  
 10 creation of a special subcommittee of the Commission comprised of state institutions of  
 11 higher education to assist the Commission and grant applicants training and other  
 12 technical expertise as directed by the Commission; and providing for annual electronic  
 13 reports to the Legislature's Joint Committee on Government and Finance.

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

**ARTICLE 2K. COALFIELD COMMUNITIES GRANT FACILITATION COMMISSION.**

**§5B-2K-1. Short title.**

1 This article shall be known as the Coalfield Grant Facilitation Act of 2022.

**§5B-2K-2. Legislative Findings.**

1 The Legislature finds that the historical coal field communities of this state that were once  
 2 thriving and vital parts of the state have seen decades of decline as changes in coal mining  
 3 technologies and mining practices and the decline in the market for coal have resulted in a steady  
 4 decline in the populations and economic vitality of the coal mining regions of our state, and every  
 5 effort must be made to revitalize these areas is an important and necessary component of the  
 6 success and advancement of the economy of this state; and

7 That many funding initiatives available to these areas in the form of matching grants from  
 8 federal and private sources have become a significant and important opportunity for access to

9 capital to initiate revitalization, but limitations of funds to match grants and having the resources  
10 to apply for and facilitate receipt of these grants has incumbered the utilization of these resources;  
11 and

12 The Legislature, by enactment of this article intends to initiate mechanisms to facilitate  
13 these initiatives, by establishing a commission to administer state funds to provide to eligible local  
14 entities the local matching portion of grants; and to facilitate assistance to these local entities by  
15 providing access to grant writing expertise and support by utilizing our state university and  
16 colleges to assist in the development of successful grant writing resources for local entities to  
17 maximize their success in rebuilding their communities.

**§5B-2K-3. Coalfield Community Grant Facilitation Commission created.**

1 (a) The Coalfield Community Grant Facilitation Commission [The Commission] is hereby  
2 created as an independent body corporate. The commission shall consist of 9 members, who  
3 shall be residents and citizens of the state. Commission members shall be appointed by the  
4 Governor, by and with the advice and consent of the Senate. The commission shall consist of  
5 the following members:

6 (1) The Director of the Economic Development Authority or his or her designee who shall  
7 serve as chairperson of the commission;

8 (2) A representative of county governments of this state;

9 (3) A representative of large municipalities of this state;

10 (4) A representative of small municipalities of this state;

11 (5) A representative of a foundation, nonprofit or other organization that provides grants  
12 for public interest projects in this state and who has expertise in grant issuance or administration;

13 (6) A representative of institutions of higher education with specialized knowledge in  
14 economic development;

15 (7) A representative from businesses and industries within the state; and

16 (8) Three members at large appointed from regions and counties within coalfield areas of

17 the state whose knowledge and experience in local issues, economic development or other areas  
18 of expertise within the directive of the commission.

19 (b) Each member shall serve a term of five years. Of the members first appointed, three  
20 shall be appointed for a term ending December 31, 2023, and three each for terms ending one  
21 and two years thereafter. Commission members may be reappointed to additional terms, and  
22 although their term may have expired shall continue to serve until their successor has been  
23 appointed.

24 (c) It is the duty of the commission:

25 (1) To establish a process for review and approval of awarding to applicants their share of  
26 funds required to receive a federal, state or private grant which within time constraints established  
27 by the entity providing the grant to assure the greatest possibility that the grant being applied for  
28 is received;

29 (2) To award available funds of the commission in an efficient and fair matter to provide a  
30 match for local entities applying for a grant that would otherwise qualify for the grant but is unable  
31 to fulfill the grant's matching fund requirements;

32 (3) To provide grant applicants with technical assistance and support; and

33 (4) To disseminate information for the purpose of educating persons and entities as to the  
34 existence and functions of the commission and as to the availability of state, federal, and  
35 nongovernmental resources;

36 (d) The Economic Development Authority shall assist the commission in its functions and  
37 operations, including, but not limited to, providing administrative, clerical, and technical support.

38 (e) Members of the commission are not entitled to compensation for services performed  
39 as members. Each member is entitled to reimbursement for reasonable expenses incurred in the  
40 discharge of their official duties. All expenses incurred by members shall be paid in a manner  
41 consistent with guidelines of the Travel Management Office of the Department of Administration  
42 and are payable solely from the funds of the Department of Commerce or from funds appropriated

43 for that purpose by the Legislature.

44 (f) No liability or obligation is incurred by the commission beyond the extent to which  
45 moneys are awarded for grant acquisition facilitation.

46 (g) Members shall meet as designated and scheduled by the chairperson. The presence  
47 of a majority of commission members, in person or by real-time electronic communication,  
48 constitutes a quorum to conduct business at a meeting.

49 (h) The commission may not certify a project unless the committee finds that the proposal  
50 is in the public interest and the grant will be used for a public purpose. For purposes of this article,  
51 projects in the public interest and for a public purpose can provide private benefit, if the  
52 commission, in its judgement determines that the project will enhance a local community or  
53 region, the granting entity for which the commission's matching grant is being matched requires  
54 a public purpose for grant eligibility, and the commission in its judgment concludes the proposal  
55 will enhance the quality of life or services of a community of region. A public purpose includes,  
56 but are not limited to, proposals that:

57 (1) Enhance economic vitality, including revitalization of structures that have public  
58 purpose or benefit;

59 (2) Promote or develop an artistic or philanthropic purpose;

60 (3) Improve traditional infrastructure, such as water and wastewater treatment facilities,  
61 transmission lines, transportation facilities, flood and wastewater management;

62 (4) Create or enhance telecommunications infrastructure including cellular towers, fiber  
63 optic expansion and technology infrastructure;

64 (5) Promote agricultural activities and development;

65 (6) Enhance development of previously mined areas or areas previously used by the coal  
66 industry and other industrial activities into uses that diversify the local economy;

67 (7) Create or expand recreational facilities, such as walking, hiking, all-terrain vehicle, bike  
68 trails, picnic facilities, restrooms, boat docking and fishing piers, and athletic facilities;

69 (8) Used for acquisition of private property for local public purposes that promote economic  
70 vitality and housing development and enhancement;

71 (9) Preserve or enhance buildings that are of local historic or economic interest;

72 (10) Restore or create retail facilities, including related service, parking and transportation  
73 facilities, to revitalize decaying downtown areas;

74 (11) Construction or expansion of other facilities that promote or enhance economic  
75 development or tourism opportunities thereby promoting the general welfare of local residents;

76 (12) Providing facilities and activities that provide resources for local residences that  
77 enhance quality of life including, but not limited to, childcare access and public transportation;

78 (13) Providing vocational and entrepreneur training for displaced miners and other  
79 persons that have lost jobs or have been unable to find employment or business opportunities in  
80 the region;

81 (14) Investments in coal field communities housing stock removal and remediation to  
82 facilitate community preservation and aesthetics; and

83 (15) Creation of drug and substance abuse rehabilitation programs and facilities.

84 (i) Prior to making any matching grant award, the commission may conduct a public  
85 hearing to assess local public support. If a public hearing is to be held, notice of the time, place,  
86 date, and purpose of the hearing shall be published in at least one newspaper in the county where  
87 the proposed grant project is located.

88 (j) When a member of the commission must recuse him or herself because of a perceived  
89 or actual conflict of interest regarding a proposed grant assistance award, a majority of the  
90 remaining members of the commission without a conflict shall be sufficient for the conduct of  
91 commission business.

**§5B-2K-4. Coalfield Community Grant Facilitation Special Revenue Account.**

1 A special revenue fund named the Coalfield Community Grant Facilitation Fund is hereby  
2 created which shall consist of all moneys made available for the purposes of this article and

3 include any amounts to be deposited in the fund, including all appropriations to the fund, all  
4 interest earned from investment of the fund, and any gifts, grants, or contributions received by the  
5 fund. All amounts deposited in the fund shall be awarded by the commission as provided pursuant  
6 to the provisions of this article to local governmental units and private and public entities for the  
7 public purposes as provided for in this article.

**§5B-2K-5. Facilitation of grant submissions by higher education institutions.**

1 To maximize the resources of the state and to create a resource for entities and persons  
2 interested in applying for grants that need assistance with grant proposal and applications, the  
3 commission shall coordinate and administer a specialized subcommittee of the commission made  
4 up of representatives of West Virginia University, Marshall University, the Alliance for Economic  
5 Development of Southern West Virginia, and all institutions of higher learning in the coal field  
6 counties and regions of this state to provide assistance in the development of grants and grant  
7 applications by persons or entities that need assistance in designing, preparing or implementing  
8 a grant proposal submission to a governmental or private entity providing grants. This assistance  
9 shall include:

10 (1) Training of persons to have expertise in developing, applying for, and administering  
11 grants;

12 (2) Providing technical assistance to the commission on administration and facilitation of  
13 grant assistance applications; and

14 (3) Any other actions or initiatives that assist the commission and promote the goals of  
15 this article.

**§5B-2K-6. Report to the Legislature.**

1 The commission shall provide by December first of each year to the Joint Committee of  
2 Government and Finance an annual electronic report that provides the following:

3 (1) A summary of grant assistance applications received and relevant statistics relating to  
4 actions taken by the commission and grants awarded;

- 5           (2) An analysis of types of grants or public, private and nonprofit grants available but not  
6 applied for that if received could be utilized to benefit coal field communities;
- 7           (3) Recommendations regarding appropriations of the Coalfield Community Grant  
8 Facilitation Fund for the upcoming fiscal year; and
- 9           (4) Any recommended legislation or policy actions needed to facilitate greater receipt of  
10 grant funding to coalfield communities.

NOTE: The purpose of this bill is to establish the Coalfield Communities Grant Facilitation Commission which shall administer a matching fund needed to pay the local matching portion to receive a federal, private or non-profit grant for a coalfield community organization or entity to fund a development project; directing state higher education institution to provide assistance to local entities for grant developments and application; providing directives for what types of public purposes are eligible for matching grants; and requiring annual reports to the legislature.

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