

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### Senate Bill 285

FISCAL  
NOTE

By Senators Smith, Boley, Hunt, Phillips, and Stuart

[Introduced January 18, 2023; referred  
to the Committee on Energy, Industry, and Mining;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §22-34-1, §22-34-2, §22-34-3, and §22-34-4, all relating to creation of the West  
 3 Virginia Coal Marketing Program; providing for the purpose of the program; creating  
 4 funding for the program; empowering the Governor to report on the program to the Joint  
 5 Committee on Government and Finance; providing for rules; and providing for an effective  
 6 date.

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

**ARTICLE 34. WEST VIRGINIA COAL MARKETING PROGRAM.**

**§22-34-1. Purpose of program.**

1 (a) There is created the West Virginia Coal Marketing Program to be administered by the  
 2 Governor. The purpose of the program is to protect and expand West Virginia's coal markets and  
 3 coal facilities and to address impacts cities, towns, and counties have experienced or will  
 4 experience due to changes in the coal market.

5 (b) The Governor shall expend funds appropriated to the Governor for operating the  
 6 program only on the following:

7 (1) Projects with a public benefit associated with expanding and protecting West Virginia's  
 8 coal markets and coal facilities; and

9 (2) Projects with a public benefit that address impacts cities, towns, and counties have  
 10 experienced or will experience due to changes in the coal market.

11 (c) No funds shall be provided for projects under this chapter without the written opinion of  
 12 the Attorney General certifying the legality of the transaction and all documents connected  
 13 therewith.

14 (d) On or before October 1 of each year, the Governor shall report to the Joint Committee  
 15 on Government and Finance on the projects funded by the West Virginia Coal Marketing Program.  
 16 The report shall include the amount, the recipient, and a description of each project funded.

17 (e) There is created the West Virginia Coal Marketing Program account. All funds in the

18 account are continuously appropriated to the Governor to be expended for the purposes of this  
 19 chapter and as otherwise specified by law. The Governor may expend funds in this account as  
 20 provided in subsection (b) of this section. Interest earned on funds in the account shall be  
 21 deposited in the account.

22 (f) The Governor may accept, and shall deposit in the account, any gifts, contributions,  
 23 donations, grants, or federal funds specifically designated for the benefit of the West Virginia Coal  
 24 Marketing Program or any project funded under the program.

**§22-34-2.** **Funding.**

1 There is appropriated one million dollars (\$1,000,000.00) from the general fund to the coal  
 2 marketing program account created by section 1(e) of this article. The Governor shall only expend  
 3 this appropriation for the West Virginia Coal Marketing Program as provided for in section 1 of this  
 4 article. Notwithstanding any other provision of law, this appropriation shall not be transferred or  
 5 expended for any other purpose.

**§22-34-3.** **Rules.**

1 The Governor shall promulgate any rules necessary to implement the West Virginia Coal  
 2 Marketing Program.

**§22-34-4.** **Effective date.**

1 (a) This article shall become effective July 1, 2023.

NOTE: The purpose of this bill is to create the West Virginia Coal Marketing Program. The bill provides for the purpose of the program. The bill creates funding for the program and empowers the Governor to report on the program to the Joint Committee on Government and Finance. The bill provides for rules. Finally, the bill provides for an effective date.

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