

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2105**

By Delegate Butler

[Introduced February 12, 2025; referred to  
the Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5-32-1, §5-32-2, §5-32-3, §5-32-4, and §5-32-5; relating to creating the Citizen and State Accountability Act; defining terms; requiring departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a grant application; and, permitting the Governor to delegate certain duties.

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

**ARTICLE 32. CITIZEN AND STATE ACCOUNTABILITY ACT.**

**§5-32-1. Short title.**

This article shall be known and may be cited as the "Citizen and State Accountability Act".

**§5-32-2. Definitions.**

As used in this article:

(1) "Local government" means any unit of government within a state, including a:

(A) County;

(B) Municipality;

(C) City;

(D) Town;

(E) Township;

(F) Local public authority, including any public housing agency under the United States Housing Act of 1937;

(G) Special district;

(H) School district;

(I) Intrastate district;

(J) Council of governments, whether or not incorporated; and

(K) Any other agency or instrumentality of a multi-, regional, or intra-state or local government.

(2) "Major grant" means any grant or cooperative agreement over \$1 million.

(3) "Minor grant" means any grant or cooperative agreement requesting \$1 million or less.

**§5-32-3. Grant agreement application requirements.**

(a) Any department, agency, or official of state or local government applying for a major grant, either as the recipient or sub-recipient of such grant, shall file prior to submitting the grant application, a written pre-grant analysis of the following to the Governor:

(1) A complete cost-benefit analysis of the grant, including a long-term projection of any direct or indirect costs resulting from the implementation of the grant for the state, the grant recipient, and/or local government, with projections covering at least 10 years after the expiration of the grant period;

(2) The impact on state and local policy, including any resulting line of accountability or transfer of governing control from state or local officials to any entity inside or outside this state, whether the federal government, a private corporation or association, or any other entity;

(3) The purpose and effect of the grant program, including its effect on and interrelationship with any existing program or policy currently operating within this state;

(4) All compliance mandates, both existing and new, and policy directives associated with satisfying the terms of the grant;

(5) The name of the grantor organization, contact information, the amount and terms of the grant, including the date on which the grant application is to be submitted to the grantor; and

(6) Reference to department, agency, or federal, state or local government authorization for the filing of the application and any laws that must be passed or rescinded to comply with the terms of the grant, including budgetary considerations.

(b) Any department, agency, or official of state or local government applying for a minor grant, either as the recipient or sub-recipient of such grant, shall provide the pre-grant analysis

information as described in subsection (a) of this section to the Governor at least three weeks prior to submitting the grant application.

**§5-32-4. Grant review requirements; written consent; and authorization without action.**

(a) The Governor shall review each pre-grant analysis for approval and provide a written response to the submitter at least one week in advance of the date when the grant application is intended to be filed, as such date is indicated in the request for approval submission pursuant to §5-30-3. The filing of a pre-grant analysis may be rejected for cause, as may be deemed appropriate by the Governor, and the reasons shall be provided to the submitter in writing: *Provided*, That a grant application may be submitted in that grant cycle or year where a submitter has revised the pre-grant analysis to meet the objections of the Governor: *Provided, however*, That the submitter provides a revised pre-grant analysis to the Governor prior to submitting the grant application to the grantor. The Governor may refuse to approve the filing of a grant application for any of the following reasons:

(1) The terms of the grant place a financial burden on the state, department, agency, or official of state, or local government upon and after the expiration of the grant;

(2) The terms of the grant are contrary to the laws and rules of this state;

(3) If the grant would interfere with other funding sources or obligations of the state, department, agency, or official of state or local government; or

(4) If the grant requires the state to give up sovereignty or other rights.

(b) Written consent to submit the grant is required, prior to the grant being submitted by any department, agency, or official of state or local government: *Provided*, That where the Governor has not responded in writing to the pre-grant analysis at least one week in advance of the date the grant application is to be submitted, the grant application request shall be considered to have been approved and the grant application may be submitted as filed.

**§5-32-5. Delegation of duties.**

The Governor may delegate the duties to review any pre-grant analysis and respond in

2 writing as he or she deems appropriate.

NOTE: The purpose of this bill is to require the Governor's consent to accept certain grants.

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