

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Bill Number

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 5B

ARTICLE 2J. COALFIELD COMMUNITIES GRANT FACILITATION COMMISSION.

§5B-2J-1. Short title.

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

§5B-3J-2. Legislative Findings.

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

21 That many funding initiatives available to these areas in the form of matching grants
22 from federal and private sources have become a significant and important opportunity for
23 access to capital to initiate revitalization, but limitations of funds to match grants and having the
24 resources to apply for and facilitate receipt of these grants has incumbered the utilization of
25 these resources; and

26 The Legislature, by enactment of this article intends to initiate mechanisms to facilitate
27 these initiatives, by establishing a Commission to administer state funds to provide to eligible
28 local entities the local matching portion of grants; and to facilitate assistance to these local
29 entities by providing access to grant writing expertise and support by utilizing our state
30 university and colleges to assist in the development of successful grant writing resources for
31 local entities to maximize their success in rebuilding their communities.

§5B-3J-3. Coalfield Community Grant Facilitation Commission created.

32 (a) The Coalfield Community Grant Facilitation Commission [The Commission] is hereby
33 created as an independent body corporate. The Commission shall consist of 9 members, who
34 shall be residents and citizens of the state. Commission members shall be appointed by the
35 Governor, by and with the advice and consent of the Senate. The Commission shall consist of
36 the following members:

37 (1) The Director of the Economic Development Authority or his or her designee who shall
38 serve as chairperson of the Commission;

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

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

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

42 (4) A representative of a foundation, non-profit or other organization that provides grants
43 for public interest projects in this state and who has expertise in grant issuance or
44 administration;

45 (5) A representative of institutions of higher education with specialized knowledge in
46 economic development;

47 (6) A representative from businesses and industries within the state; and

48 (7) 3 members at large appointed from regions and counties within coalfield areas of the
49 state whose knowledge and experience in local issues, economic development or other areas of
50 expertise within the directive of the Commission.

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

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

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

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

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

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

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

70 (e) Members of the Commission are not entitled to compensation for services performed
71 as members. Each member is entitled to reimbursement for reasonable expenses incurred in
72 the discharge of their official duties. All expenses incurred by members shall be paid in a
73 manner consistent with guidelines of the Travel Management Office of the Department of
74 Administration and are payable solely from the funds of the Department of Commerce or from
75 funds appropriated for that purpose by the Legislature.

76 (f) No liability or obligation is incurred by the Commission beyond the extent to which
77 moneys are awarded for grant acquisition facilitation.

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

81 (h) The Commission may not certify a project unless the committee finds that the
82 proposal is in the public interest and the grant will be used for a public purpose. For purposes of
83 this article, projects in the public interest and for a public purpose can provide private benefit, if
84 the Commission, in its judgement determines that the project will enhance a local community or
85 region, the granting entity for which the commission's matching grant is being matched requires
86 a public purpose for grant eligibility, and the Commission in its judgement concludes the
87 proposal will enhance the quality of life or services of a community of region. A public purpose
88 includes, but are not limited to, proposals that:

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

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

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

- 94 (4) Create or enhance telecommunications infrastructure including cellular towers, fiber
95 optic expansion and technology infrastructure;
- 96 (5) Promote agricultural activities and development;
- 97 (6) Enhance development of previously mined areas or areas previously used by the
98 coal industry and other industrial activities into uses that diversify the local economy;
- 99 (7) Create or expand recreational facilities, such as walking, hiking, all-terrain vehicle,
100 bike trails, picnic facilities, restrooms, boat docking and fishing piers, and athletic facilities;
- 101 (8) Used for acquisition of private property for local public purposes that promote
102 economic vitality and housing development and enhancement;
- 103 (9) Preserve or enhance buildings that are of local historic or economic interest;
- 104 (10) Restore or create retail facilities, including related service, parking and
105 transportation facilities, to revitalize decaying downtown areas;
- 106 (11) Construction or expansion of other facilities that promote or enhance economic
107 development or tourism opportunities thereby promoting the general welfare of local residents;
- 108 (12) Providing facilities and activities that provide resources for local residences that
109 enhance quality of life including but not limited to childcare access and public transportation;
- 110 (13) Providing vocational and entrepreneur training for displaced miners and other
111 persons that have lost jobs or have been unable to find employment or business opportunities in
112 the region;
- 113 (14) Investments in coal field communities housing stock removal and remediation to
114 facilitate community preservation and aesthetics; and
- 115 (15) Creation of drug and substance abuse rehabilitation programs and facilities.
- 116 (i) Prior to making any matching grant award, the Commission may conduct a public
117 hearing to assess local public support. If a public hearing is to be held, notice of the time, place,
118 date, and purpose of the hearing shall be published in at least one newspaper in the county
119 where the proposed grant project is located.

120 (j) When a member of the Commission must recuse him or herself because of a
121 perceived or actual conflict of interest regarding a proposed grant assistance award, a majority
122 of the remaining members of the Commission without a conflict shall be sufficient for the
123 conduct of Commission business.

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

124 A special revenue fund named the Coalfield Community Grant Facilitation Fund is
125 hereby created which shall consist of all monies made available for the purposes of this article
126 and include any amounts to be deposited in the fund, including all appropriations to the fund, all
127 interest earned from investment of the fund, and any gifts, grants, or contributions received by
128 the fund. All amounts deposited in the fund shall be awarded by the Commission as provided
129 pursuant to the provisions of this article to local governmental units and private and public
130 entities for the public purposes as provided for in this article.

131 **§5B-2I-5. Facilitation of grant submissions by higher education institutions.**

132 To maximize the resources of the state and to create a resource for entities and persons
133 interested in applying for grants that need assistance with grant proposal and applications, the
134 Commission shall coordinate and administer a specialized subcommittee of the Commission
135 made up of representatives of West Virginia University, Marshall University, the Alliance for
136 Economic Development of Southern West Virginia, and all institutions of higher learning in the
137 coal field counties and regions of this state to provide assistance in the development of grants
138 and grant applications by persons or entities that need assistance in designing, preparing or
139 implementing a grant proposal submission to a governmental or private entity providing grants.
140 This assistance shall include:

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

143 (2) Providing technical assistance to the Commission on administration and facilitation of
144 grant assistance applications; and

145 (3) Any other actions or initiatives that assist the Commission and promote the goals of
146 this article.

§5B-2I-6. Reports to the Legislature.

147 The Commission shall provide by December first of each year to the Joint Committee of
148 Government and Finance and annual report that provides the following:

149 (1) A summary of grant assistance applications received and relevant statistics relating
150 to actions taken by the Commission and grants awarded;

151 (2) An analysis of types of grants or public, private and non-profit grants available but
152 not applied for that if received could be utilized to benefit coal field communities;

153 (3) Recommendations regarding appropriations of the Coalfield Community Grant
154 Facilitation Fund for the upcoming fiscal year; and

155 (4) Any recommended legislation or policy actions needed to facilitate greater receipt of
156 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.