

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4458**

BY DELEGATES BUTLER, SOBONYA, FOLK, KELLY,  
ZATEZALO, WARD, PAYNTER, MAYNARD, C. MILLER AND  
SYPOLT

[Introduced February 7, 2018; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7 and §5-30-8;  
 3 all relating to creating Citizen and State Accountability Act; authorizing departments,  
 4 agencies, and officials of state or local government to apply for major and minor grant  
 5 agreements; establishing the requirements for applying for the grant agreements;  
 6 requiring reports; requiring written consent of major grant requests by the Governor;  
 7 permitting the Governor to prohibit the submission of a minor grant application or prohibit  
 8 the acceptance of any such grant; repealing all statutes that conflict with the Citizen and  
 9 State Accountability Act; and defining terms.

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

**ARTICLE 30. CITIZEN AND STATE ACCOUNTABILITY ACT.**

**§5-30-1. Sort title.**

1 This article shall be known and may be cited as the “Citizen and State Accountability Act”.

**§5-30-2. Definitions.**

1 As used in this article:

2 “Local government” means any unit of government within a state, including a:

3 (A) County;

4 (B) Municipality;

5 (C) City;

6 (D) Town;

7 (E) Township;

8 (F) Local public authority, including any public housing agency under the United States

9 Housing Act of 1937;

10 (G) Special district;

11 (H) School district;

12 (I) Intrastate district;

13 (J) Council of governments, whether or not incorporated; and  
14 (K) Any other agency or instrumentality of a multi-, regional, or intra-state or local  
15 government.

16 “Major grant” means any grant or cooperative agreement over \$1 million.

17 “Minor grant” means any grant or cooperative agreement \$1 million or less.

**§5-30-3. Application for major grant agreements; requirements.**

1 Any department, agency, or official of state or local government applying for a major grant  
2 agreement, either as the recipient or sub-recipient of such grant, shall, at least 60 days prior to  
3 submitting the grant application, provide a written analysis of the following to the Governor and  
4 the Office of Fiscal Risk and Management:

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

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

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

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

16 (5) Any laws that must be passed or rescinded to comply with the terms of the grant,  
17 including budgetary considerations.

**§5-30-4. Application for minor grant agreements; requirements.**

1 Any department, agency, or official of state or local government applying for a minor grant  
2 agreement, either as the recipient or sub-recipient of such grant, shall provide the grant

3 application to the Governor and the Office of Fiscal Risk and Management at least one week prior  
4 to submitting the grant application.

**§5-30-5. Reports.**

1 (a) The Office of Fiscal Risk and Management shall provide a report on each grant to the  
2 Governor and the Legislature by the end of 30 calendar days after the submission required under  
3 §5-30-3 of this code.

4 (b) The report shall include an assessment of the agency's compliance with procedural  
5 steps required by §5-30-3 of this code and an assessment of whether the grant imposes any new  
6 limits or mandates on private-sector activity.

7 (c) The grant applicant shall cooperate with the Office of Fiscal Risk and Management by  
8 providing information relevant to the Office of Fiscal Risk and Management report under §5-30-3  
9 of this code.

10 (d) All funded major and minor grant applications and reports required under §5-30-3 and  
11 §5-30-4 of this code shall be recorded in a public database managed by Office of Fiscal Risk and  
12 Management.

**§5-30-6. Written consent by Governor; major grants.**

1 No major grant shall be submitted to the grant-making entity for application unless the  
2 Governor provides written consent. At the Governor's discretion, he or she may allow the grant  
3 applicant to revise and resubmit the grant application for his reconsideration.

**§5-30-7. Rejection by Governor; minor grants.**

1 The Governor may prohibit the submission of a minor grant application or prohibit the  
2 acceptance of any such grant.

**§5-30-8. All laws and parts of laws in conflict with this article are repealed.**

1 All laws and parts of laws in conflict with this article are repealed.

NOTE: The purpose of this bill is to create Citizen and State Accountability Act. The bill

authorizes departments, agencies, and officials of state or local government to apply for major and minor grant agreements. The bill establishes the requirements for applying for the grant agreements. The bill requires reports. The bill requires written consent for major grant requests by the Governor. The bill permits the Governor to prohibit the submission of a minor grant application or prohibit the acceptance of any such grant. The bill repeals all statutes that conflict with the Citizen and State Accountability Act. The bill defines terms.

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