

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2769

BY DELEGATE BUTLER, JENNINGS, WILSON, BIBBY AND

JEFFRIES, J.

[Introduced January 30, 2019; Referred
to the Committee on Political Subdivisions then the
Judiciary.]

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, and §5-30-5; all relating to creating
 3 Citizen and State Accountability Act; defining terms; requiring departments, agencies, and
 4 officials of state or local government to apply for major and minor grant agreements;
 5 establishing the requirements for applying for the grant agreements; requiring written
 6 consent of major grant requests by the Governor; permitting the Governor to prohibit the
 7 submission of a grant application; and, permitting the Governor to delegate certain duties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30. CITIZEN AND STATE ACCOUNTABILITY ACT.

§5-30-1. Short 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 (1) “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 (2) "Major grant" means any grant or cooperative agreement over \$1 million.

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

§5-30-3. Grant agreement application requirements.

1 (a) Any department, agency, or official of state or local government applying for a major
2 grant, either as the recipient or sub-recipient of such grant, shall file, at least 60 days prior to
3 submitting the grant application, a written pregrant analysis of the following to the Governor:

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

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

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

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

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

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

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

22 information as described in §5-30-3(a) to the Governor at least three weeks prior to submitting
23 the grant application.

§5-30-4. Grant review requirements; written consent; and authorization without action.

1 (a) The Governor shall review each pregrant analysis for approval and provide a written
2 response to the submitter at least one week in advance of the date when the grant application is
3 intended to be filed, as such date is indicated in the request for approval submission pursuant to
4 §5-30-3 of this code. The filing of a pregrant analysis may be rejected for cause, as may be
5 deemed appropriate by Governor, and the reasons shall be provided to the submitter in writing:
6 *Provided*, That a grant application may be submitted in that grant cycle or year where a submitter
7 has revised the pre-grant analysis to meet the objections of the Governor: *Provided, however*,
8 That the submitter provides a revised pregrant analysis to the Governor prior to submitting the
9 grant application to the grantor. The Governor may refuse to approve the filing of a grant
10 application for any of the following reasons:

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

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

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

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

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

§5-30-5. Delegation of duties.

1 The Governor may delegate the duties to review any pregrant 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.