

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4002

FISCAL
NOTE

BY DELEGATES RILEY, WAMSLEY, COOPER, QUEEN,
STORCH, BARRETT, HAMRICK, WORRELL, KIMES, SMITH,
AND ESPINOSA

[Introduced January 13, 2022; Referred to the
Committee on Energy and Manufacturing then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5B-2-18, relating to the Certified Sites and Development Readiness Program;
3 requiring program to develop evaluation criteria and site certification levels; establishing
4 application process for program; establishing eligible applicants; allowing department to
5 select sites for the program; providing for review of sites and reporting to applicants of the
6 site's readiness allowing department to choose sites to provide matching grant funds to
7 develop sites included in the program; establishing requirements for the matching grant
8 funding; allowing the department to choose recipients for micro-grants; providing
9 department the authority to set forth criteria for micro-grants; and creating the Certified
10 Sites and Development Readiness Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-18. Certified Sites and Development Readiness Program.

1 (a)(1) The Certified Sites and Development Readiness Program is hereby created and is
2 to be administered as a program within the Department of Economic Development. The program
3 shall establish evaluation criteria and site certification levels based upon developmental readiness
4 of an applicant's site. In developing the program, the department shall consider utilizing all
5 available resources and technical support, both public and private.

6 (2) The program shall establish an application process and forms through which an
7 applicant may begin to participate in the program and identify and describe potential sites for
8 economic development and investment. The application process and forms should include site
9 specific information such as property ownership and control, descriptions and mapping, historical
10 and current uses, access to various forms of transportation, availability of various utility services,
11 environmental studies, conceptual plans, marketing materials, and all other information requested
12 by the department.

13 (3) Applicants may include only state, county, municipal, or regional governmental entities

14 such as, without limitation, economic development authorities, economic development
15 corporations, economic development alliances, or economic development partnerships.

16 (4) The department shall select applicant's sites to participate in the program from the
17 application materials. The department will select sites to participate in the program, evaluate the
18 selected sites, and certify each site based upon its readiness to be developed from the established
19 criteria. After evaluation, the department shall provide a report to the applicant detailing the results
20 of the site evaluation, identifying site deficiencies and strengths, and suggesting a prioritized list
21 of site improvements which may be made to improve the site's readiness to develop. The
22 department may thereafter reevaluate and recertify a site as improvements are made to a site
23 and deficiencies cured.

24 (5) The department may provide to applicants funding assistance up to a 50 percent match
25 through a matching grant program which may be spent only for directly improving the
26 developmental readiness of sites which have been selected to participate in the program. The
27 department shall establish criteria and an application process for awarding matching grants to
28 improve an applicant's site readiness within the limits of funds appropriated by the Legislature for
29 the program: *Provided*, That no single site may receive any amount greater than a maximum
30 amount established by the department through this grant matching program. Applications for this
31 grant matching program must include details which specifically identify what deficiency or
32 deficiencies will be cured and through what means and all other information required by the
33 department. Grant matching funds must be spent, contracted to be spent, or returned to the
34 department within 12 months of the date of receipt of the grant matching funds. Grant matching
35 funds shall be paid back to the department when a participating site is sold for development. The
36 department shall take prudent steps to receive a security interest in a participating site in the
37 amount of the grant matching funds award including, but not limited to, placing of record in the
38 county where the participating site is located, an appropriate lien against the title. All funds repaid
39 under this section shall remain within the program for use on participating sites. The department

40 shall monitor, and request appropriate evidence documenting the cured deficiencies and
41 thereafter reevaluate and recertify a participating site as part of this grant matching program.

42 (6) The department may provide funding assistance to applicants through a micro grant
43 program which may be spent only for directly improving the developmental readiness of sites
44 which have been selected to participate in the program. The department shall establish criteria
45 and an application process for awarding the micro grants to improve an applicant's site readiness
46 within the limits of funds appropriated by the Legislature for the program: *Provided*, That no single
47 site may receive any amount greater than \$25,000 through this micro grant program. Applications
48 for this micro grant program must include details which specifically identify what deficiency or
49 deficiencies will be cured and through what means and all other information required by the
50 department. Micro grant funds must be spent, contracted to be spent, or returned to the
51 department within 12 months of the date of receipt of the micro grant funds. All funds returned
52 under this section shall remain within the program for use on participating sites. The department
53 shall monitor and request appropriate evidence documenting the cured deficiency and thereafter
54 reevaluate and recertify a participating site as part of this micro grant program.

55 (b) (1) The Certified Sites and Development Readiness Fund is hereby created. The fund
56 shall be administered by the Department of Economic Development and shall consist of all
57 moneys made available for the purposes from

58 (A) Appropriations provided by the Legislature;

59 (B) Any moneys available from external sources; and

60 (C) All interest and other income earned from investment of moneys in the fund.

61 (2) The Department of Economic Development shall use moneys in the fund to support
62 The Certified Sites and Development Readiness Program.

63 (3) Any balance, including accrued interest and any other returns, in the fund at the end
64 of each fiscal year may not expire to the General Revenue Fund but shall remain in the fund and
65 be expended for the purposes provided by this section.

66 (4) Fund balances shall be invested under §12-6C-6 of this code. Earnings on the
67 investments shall be used solely for the purposes defined in this section.

NOTE: The purpose of this bill relates to the Certified Sites and Development Readiness Program; it requires the program to develop evaluation criteria; establish application process for program; provide for review of sites and reporting to applicants of the site's readiness or improvements to site for readiness; establishes eligible applicants; allows department to choose sites to provide matching grant funds to develop sites included in the program; establishes requirements for the matching grant funding; allows the department to choose recipients for micro-grants; provides department the authority to set forth criteria for micro-grants; .and creates the Certified Sites and Development Readiness Fund.

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