

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 157**

By Senators Phillips, Clements, Stuart, and Maroney

[Introduced January 12, 2023; referred  
to the Committee on Energy, Industry, and Mining]

1 A BILL to amend and reenact §5B-2A-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to clarifying and expanding the powers and duties of the director of the Coalfield  
 3 Community Development Office.

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

**ARTICLE 2A. OFFICE OF COALFIELD COMMUNITY DEVELOPMENT**

**§5B-2A-5. Powers and duties.**

1 The office has and may exercise the following duties, powers, and responsibilities:

2 (1) To establish a procedure for determining the assets that could be developed in and  
 3 maintained by the community to foster its long-term viability as provided in §5B-2A-8 of this code  
 4 and to administer the procedure so established;

5 (2) To establish a procedure for determining the land and infrastructure needs in the  
 6 general area of the surface mining operations as provided in §5B-2A-9 of this code and to  
 7 administer the procedure so established;

8 (3) To establish a procedure to develop action reports and ~~annual~~ quarterly updates as  
 9 provided in §5B-2A-10 of this code and to administer the procedure so established;

10 (4) To determine the need for meetings to be held among the various interested parties in  
 11 the communities impacted by surface mining operations and, when appropriate, to facilitate the  
 12 meetings;

13 (5) To establish a procedure to assist property owners in the sale of their property as  
 14 provided in §5B-2A-11 of this code and to administer the procedure so established;

15 (6) In conjunction with the department, to maintain and operate a system to receive and  
 16 address questions, concerns, and complaints relating to surface mining;

17 (7) To coordinate the expenditure of grants issued by the United States Department of  
 18 Energy and the U.S. Department of Commerce's Economic Development Administration for  
 19 coalfield economic development or coalfield revitalization projects;

20 (8) To identify coal assets, including, but not limited to, coal mine operations, coal-fired

21 electric utilities, and coal-based manufacturing or steelmaking facilities, within West Virginia or in  
22 states that provide markets for, and consume, West Virginia steam or metallurgical coal and offer  
23 assistance and to sustain, protect, and expand their continued operation and reliance on West  
24 Virginia coal;

25 ~~(7)~~ (9) On its own initiative or at the request of a community in close proximity to a mining  
26 operation, or a mining operation, offer assistance to facilitate the development of economic or  
27 community assets. Such assistance shall may include the preparation of a master land use plan  
28 pursuant to the provisions of §5B-2A-9 of this code.

29 (10) To develop an educational program and policy materials in support of West Virginia's  
30 coal industry, to be incorporated into a program designed to educate the public on the economic  
31 and societal benefits provided by the coal industry, including the provision of reliable baseload  
32 electric generation by coal-fired power plants;

33 (11) To coordinate a program of recruitment and training of industrial workers in  
34 conjunction with the West Virginia Office of Miners' Health Safety and Training and Workforce  
35 West Virginia to respond to West Virginia's growing manpower needs generally and coal mining  
36 particularly. The state-of-art training facility in Julian (Boone County) will serve as host to the "West  
37 Virginia Mine Safety and Training Academy" to attract, train new and experience miners and other  
38 industrial workers;

39 (12) The Governor shall appoint and set the salary of the director of the office who shall be  
40 responsible for hiring such assistants and clerical staff as may be necessary to carry out the  
41 responsibilities of the office. The initial appointment for the director shall be made by July 1, 2023.  
42 Funding for this position and to carry out the duties of the office shall be appropriated by the  
43 legislature annually in a separate budget appropriation from the State portion of severance  
44 collections made pursuant to §11-13A-3 of this code. None of the funding for this position shall be  
45 appropriated from the additional severance tax on coal collected for the benefit of counties and  
46 municipalities pursuant to §11-13A-6 of this code.

- 47           (13) The director shall report quarterly to the energy and finance committees of the  
48 legislature on projects funded by the office. The report shall include the amount, the recipient and  
49 a description of each project funded.

NOTE: The purpose of this bill is to clarify and expand the powers and duties of the director of the Coalfield Community Development Office and to provide funding to the office through federal grants and portions of West Virginia's severance tax collections.

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