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]

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

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

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

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

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

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

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

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

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

(8) To identify coal assets, including, but not limited to, coal mine operations, coal-fired electric utilities, and coal-based manufacturing or steelmaking facilities, within West Virginia or in states that provide markets for, and consume, West Virginia steam or metallurgical coal and offer assistance and to sustain, protect, and expand their continued operation and reliance on West Virginia coal;

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

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

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

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

(13) The director shall report quarterly to the energy and finance committees of the legislature on projects funded by the office. The report shall include the amount, the recipient and 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.