

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5223

FISCAL
NOTE

By Delegates Vance, Rohrbach, Mazzocchi, Bridges,

Dean, Toney, Holstein and Green

[Introduced January 26, 2024; Referred to the

Committee on Energy and Manufacturing then

Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5B-2-22, relating to creating the Southern Coalfield Resiliency and
 3 Revitalization Program for a period of five years; finding that there are challenges facing
 4 the counties in which the southern coalfields are located; establishing revitalization council
 5 to organize and prioritize state resources and technical assistance for these counties;
 6 directing revitalization council to develop strategies to stimulate economic activity in and
 7 around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in
 8 coordination with certain contributing partners to the extent possible; directing
 9 revitalization council to annually report to the Governor and the Legislature; directing
 10 Development Office and revitalization council to facilitate economic development
 11 incentives for the counties in which the southern coalfields are located; and authorizing
 12 Development Office or other state body to provide state property and equipment to
 13 businesses investing in the counties of the southern coalfield area of the state at a reduced
 14 cost.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-22. Southern Coalfield Resiliency and Revitalization Program.

1 (a) Definitions. —

2 (1) General. — Terms defined in this section have the meanings ascribed to them by this
 3 section, unless a different meaning is clearly required by either the context in which the term is
 4 used, or by specific definition in this section.

5 (2) Terms Defined. —

6 (A) "Contributing partners" means those entities or their representatives described in
 7 subsection (f) of this section.

8 (B) "Program" means the Southern Coalfield Resiliency and Revitalization Program
 9 established in this section.

10 (C) "Revitalization council" means those entities or their representatives described in
11 subsection (d) of this section.

12 (D) "Technical assistance" means resources provided by the state, revitalization council,
13 contributing partners or any other individuals or entities providing programming, funding, or other
14 support to benefit the counties in the Southern Coal field area of West Virginia under the program.

15 (E) "Southern Coalfield" means an area defined by the Development Office that
16 encompasses Boone, Logan, McDowell, Mingo, and Wyoming counties.

17 (F) "Southern Coalfield and Resiliency and Revitalization Program" means the entire
18 process undertaken to further the goals of this section, including collaboration development and
19 implementation between the members, contributors, and technical assistance resource providers.

20 (b) Legislative purpose, findings, and intent. —

21 (1) The impact of the diminishing coal industry on Boone, Logan, McDowell, Mingo, and
22 Wyoming Counties has had a dramatic economic impact on the Southern Coalfield area of West
23 Virginia.

24 (2) The purpose of this section is to establish the Southern Coalfield Resiliency and
25 Revitalization Program. To further this purpose, this program creates a collaboration among state
26 government, higher education, and private and nonprofit sectors to streamline and increase
27 technical, agricultural, and economic assistance capacity, continue and increase existing services
28 and other resources to facilitate community revitalization in the southern coalfield area.

29 (3) It is the intent of the Legislature to identify existing state resources that can be
30 prioritized to support the counties of the southern coalfield area, generate thoughtful and
31 responsible ideas to mitigate the negative effects of the diminished coal industry, and help chart a
32 new course and prosperous future for the Southern Coalfield.

33 (c) Southern Coalfield Resiliency and Revitalization Program established; duration of
34 program. —

35 (1) The Development Office shall establish the Southern Coalfield Resiliency and

36 Revitalization Program in accordance with the provisions of this section, subject to the availability
37 of funding necessary to support the program. The program shall inventory existing assets and
38 resources, prioritize planning and technical assistance, and determine such other assistance as
39 might be available to revitalize communities in the counties in the southern coalfield area.

40 (2) The program shall be established for an initial period of five years from the effective
41 date of this legislation.

42 (d) *Revitalization council created.* — There is hereby created a revitalization council to
43 fulfill the purposes of this section. The revitalization council shall be coordinated by the
44 Development Office in the Department of Commerce and be subject to oversight by the secretary
45 of the department. The following entities shall serve as members of the revitalization council:

46 (1) The Executive Director of the Development Office or their designee, who shall serve as
47 chairperson of the council;

48 (2) The Secretary of the Department of Health and Human Resources or their designee;

49 (3) The Commissioner of the Department of Agriculture or their designee;

50 (4) The Executive Director of the West Virginia Housing Development Fund or their
51 designee;

52 (5) A representative from the Boone County commission;

53 (6) A representative from the Logan County commission;

54 (7) A representative from the McDowell County commission;

55 (8) A representative from the Mingo County commission;

56 (9) A representative from the Wyoming County commission;

57 (10) A representative from Southern West Virginia Community and Technical College;

58 (11) A representative from West Virginia University;

59 (12) A representative from Marshall University; and

60 (13) The County Directors of Economic Development from Boone County, Logan County,
61 McDowell County, Mingo County, and Wyoming County.

62 (e) Duties of the revitalization council. —

63 (1) The council shall identify existing state resources that can be prioritized to support
64 economic development efforts in the Southern Coalfield counties.

65 (2) The council shall direct existing resources in a unified effort and in conjunction with
66 contributing partners, as applicable, to support the Southern Coalfield counties.

67 (3) The council shall develop a rapid response strategy to attract or develop new
68 enterprises and job creating opportunities in the Southern Coalfield counties.

69 (4) The council shall conduct or commission a comprehensive assessment of assets
70 available at the reclaimed mine sites and abandoned industrial complexes and closed businesses
71 and determine how those assets will be preserved and repurposed.

72 (5) The council shall assist communities in the Southern Coalfield counties by developing
73 an economic plan to diversify and advance the communities.

74 (6) Members of the council shall support both the planning and implementation for the
75 program and shall give priority wherever possible to programmatic activity and discretionary,
76 noncompetitive funding during the period the program remains in effect.

77 (7) Members of the council shall work together to leverage funding or other agency
78 resources to benefit efforts to revitalize the Southern Coalfield counties.

79 (f) Contributing partners. — To the extent possible, the revitalization council shall
80 incorporate the resources and expertise of additional providers of technical assistance to support
81 the program, which shall include but not be limited to:

82 (1) The West Virginia Small Business Development Center;

83 (2) The Center for Rural Health Development;

84 (3) The West Virginia University Brickstreet Center for Entrepreneurship;

85 (4) The West Virginia University Land Use and Sustainability Law Clinic;

86 (5) The West Virginia University Center for Big Ideas;

87 (6) The WVU County Extension services;

- 88 (7) The Rahall Transportation Institute;
89 (8) The Marshall University Center for Business and Economic Research;
90 (9) West Virginia Small Business Association;
91 (10) The West Virginia Community Development Hub;
92 (11) The West Virginia University Northern Brownfields Assistance Center;
93 (12) West Virginia State University Extension Service;
94 (13) West Virginia University Extension Service, Community, Economic and Workforce
95 Development; and
96 (14) The President of West Virginia University Technical College.
- 97 (g) Reporting and agency accountability. — The revitalization council, in coordination with
98 its contributing partners, as applicable, shall report annually to the Governor and the Legislature
99 detailing the progress of the technical assistance support provided by the program, the strategic
100 plan for the Southern Coalfields counties and the results of these efforts.
- 101 (h) Economic Incentives for businesses investing in the Southern Coalfield counties. —
102 The Development Office and the revitalization council, as applicable, will work to educate
103 businesses investing, or interested in investing, in the Southern Coalfields, about the availability
104 of, and access to, economic development assistance, including but not limited to, the economic
105 opportunity tax credit provided in section nineteen, article thirteen-q, chapter eleven of this code;
106 the manufacturing investment tax credit provided under article thirteen-s, chapter eleven of this
107 code; and any other applicable tax credit or development assistance.
- 108 (i) Use of state property and equipment; faculty. — The Development Office or other owner
109 of state property and equipment in the Southern Coalfield counties is authorized to provide for the
110 low cost and economical use and sharing of state property and equipment, including computers,
111 research labs and other scientific and necessary equipment to assist any business within the
112 Southern Coalfields at a nominal or reduced-cost reimbursements to the state for such use.

NOTE: The purpose of this bill is to create the Southern Coalfield Resiliency and Revitalization program to identify and prioritize existing resources that can be directed to support economic development efforts in the Boone, Logan, McDowell, Mingo, and Wyoming counties; establish a revitalization council to manage these activities; and provide technical assistance support, services, and resources to support community revitalization of the Southern Coalfield counties.

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