

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5223

By Delegates Vance, Rohrbach, Mazzocchi, Bridges,

Dean, Toney, Holstein, Green, and Hamilton

[Originating in the Committee on Government

Organization; Reported on February 14, 2024]

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; defining terms; finding that there are
4 challenges facing the counties in which the southern coalfields are located; establishes the
5 Southern Coalfield Resiliency and Revitalization Program; provides that the program will
6 terminate five years after this section goes into effect; establishing revitalization council to
7 organize and prioritize state resources and technical assistance for these counties;
8 directing revitalization council to develop strategies to stimulate economic activity in and
9 around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in
10 coordination with certain contributing partners to the extent possible; directing
11 revitalization council to annually report to the Governor and the Legislature; directing
12 Department of Economic Development and revitalization council to facilitate economic
13 development incentives for the counties in which the southern coalfields are located;
14 authorizing Department of Economic Development or other state body to provide state
15 property and equipment to businesses investing in the counties of the southern coalfield
16 area of the state at a reduced cost; providing that the program shall prioritize and West
17 Virginia's natural resources, industries, business, raw materials, agricultural commodities,
18 and reliable forms of energy.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. ~~WEST VIRGINIA DEVELOPMENT OFFICE~~ THE DEPARTMENT OF
ECONOMIC DEVELOPMENT.**

§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) "Department" means the West Virginia Department of Economic Development.

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

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

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

16 (F) "Southern Coalfield" means an area defined by the department that encompasses
17 Boone, Logan, McDowell, Mingo, and Wyoming counties.

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

21 (b) Legislative purpose, findings, and intent.

22 (1) The impact of excessive and economically biased federal regulations on the domestic
23 coal-fired electricity market has led to a profound and significant injury to the coal industry in
24 Boone, Logan, McDowell, Mingo and Wyoming Counties, and has resulted in a dramatic negative
25 economic impact on the Southern Coalfield area of West Virginia.

26 (2) The purpose of this section is to establish the Southern Coalfield Resiliency and
27 Revitalization Program. To further this purpose, this program creates a collaboration among state

28 government, higher education, and private and nonprofit sectors to streamline and increase
29 technical, agricultural, and economic assistance capacity, continue and increase existing services
30 and other resources to facilitate community revitalization in the southern coalfield area.

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

35 (c) *Southern Coalfield Resiliency and Revitalization Program established; duration of*
36 *program.*

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

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

44 (d) *Revitalization council created.* There is hereby created a revitalization council to fulfill
45 the purposes of this section. The revitalization council shall be coordinated by the department and
46 be subject to oversight by the secretary of the department. The following entities shall serve as
47 members of the revitalization council:

48 (1) The Executive Director of the department or their designee, who shall serve as
49 chairperson of the council;

50 (2) The Secretary of the Department of Health or his or her designee;

51 (3) The Secretary of the Department of Human Services or his or her designee;

52 (4) The Commissioner of the Department of Agriculture or his or her designee;

53 (5) The Executive Director of the West Virginia Housing Development Fund or his or her
54 designee;

55 (6) A representative from the Boone County Commission;

56 (7) A representative from the Logan County Commission;

57 (8) A representative from the McDowell County Commission;

58 (9) A representative from the Mingo County Commission;

59 (10) A representative from the Wyoming County Commission;

60 (11) A representative from Southern West Virginia Community and Technical College;

61 (12) A representative from West Virginia University;

62 (13) A representative from Marshall University;

63 (14) The County Directors of Economic Development from Boone County, Logan County,
64 McDowell County, Mingo County, and Wyoming County; and

65 (15) The President of West Virginia University Technical College.

66 (e) *Duties of the revitalization council.*

67 (1) The council shall identify resources that can be prioritized to support economic
68 development efforts in the Southern Coalfield counties.

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

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

73 (4) The council shall conduct or commission a comprehensive assessment of assets
74 available at the reclaimed mine sites and abandoned industrial complexes and closed businesses
75 and determine how those assets will be preserved and repurposed, or marketed to interested
76 industrial parties.

77 (5) The council shall assist communities in the Southern Coalfield counties by developing
78 economic policy recommendations to diversify and advance the communities.

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

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

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

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

88 (2) The Center for Rural Health Development;

89 (3) The West Virginia University Encova Center for Innovation and Entrepreneurship;

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

91 (5) The West Virginia University Davis College Research, Education and Outreach
92 Centers;

93 (6) The West Virginia University County Extension services;

94 (7) The Rahall Transportation Institute;

95 (8) The Marshall University Center for Business and Economic Research;

96 (9) West Virginia Small Business Association;

97 (10) The West Virginia Community Development Hub;

98 (11) The West Virginia Brownfields Assistance Center at Marshall University;

99 (12) West Virginia State University Extension Services; and

100 (13) West Virginia University Extension Services Agriculture, Community, Health,
101 Economic, and Workforce Development Programs.

102 (g) *Reporting and agency accountability.* The revitalization council, in coordination with its
103 contributing partners, as applicable, shall report annually to the Governor and the Legislature

104 detailing the progress of the technical assistance support provided by the program, the strategic
105 plan for the Southern Coalfield counties and the results of these efforts.

106 (h) *Economic incentives for businesses investing in the Southern Coalfield counties.* The
107 department and the revitalization council, as applicable, will work to educate businesses investing
108 or interested in investing in the Southern Coalfield about the availability of, and access to,
109 economic development assistance, including but not limited to, the economic opportunity tax
110 credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under
111 §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

112 (i) *Use of state property and equipment; faculty.* The department or other owner of state
113 property and equipment in the Southern Coalfield counties is authorized to provide for the low cost
114 and economical use and sharing of state property and equipment, including computers, research
115 labs and other scientific and necessary equipment to assist any business within the Southern
116 Coalfield at nominal or reduced-cost reimbursements to the state for such use.

117 (j) The program shall prioritize and seek to leverage West Virginia's natural, native
118 resources and industries, including the manufacture of value-added or finished products from raw
119 materials or agriculture commodities sourced in West Virginia. The program shall prioritize and
120 seek to assist existing industries to expand where possible, and identify opportunities for
121 synergistic relationships between native West Virginia businesses. The program shall prioritize
122 and seek to leverage West Virginia's natural, self-sufficient, and reliable forms of energy such as
123 coal, oil, and natural gas, to decrease the overall cost of manufacturing in the Southern Coalfields
124 and enhance industrial efforts.

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.