

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2363

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[Introduced January 14, 2019; Referred to the

Committee on Government Organization then

Education.]

1 A BILL to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating
2 to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length
3 of the program; clarifying the reporting requirements for the program; removing certain
4 language regarding funding; and requiring an assessment of the option of establishing or
5 maintaining schools jointly pursuant to authority granted in said code.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-15. Upper Kanawha Valley 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 Upper Kanawha Valley 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 Upper Kanawha Valley under the program.

15 (E) “Upper Kanawha Valley” means an area ~~defined by the Development Office that~~
16 ~~encompasses the areas from Gauley Bridge to Pratt, including the municipalities of Montgomery,~~
17 ~~Smithers, Pratt and Gauley Bridge~~ historically known as the Upper Kanawha Valley including

18 municipalities and surrounding areas from the Charleston city limits to Gauley Bridge or other
19 communities in the vicinity of the West Virginia University Institute of Technology.

20 (F) “Upper Kanawha Valley Resiliency and Revitalization Program” means the entire
21 process undertaken to further the goals of this section, including collaboration development and
22 implementation between the members, contributors and technical assistance resource providers.

23 (b) *Legislative purpose, findings and intent.* —

24 (1) The decision to relocate the historic campus of the West Virginia University Institute of
25 Technology from Montgomery, West Virginia to Beckley, West Virginia will have a dramatic
26 economic impact on the Upper Kanawha Valley.

27 (2) The purpose of this section is to establish the Upper Kanawha Valley Resiliency and
28 Revitalization Program. To further this purpose, this program creates a collaboration among state
29 government, higher education and private and nonprofit sectors to streamline technical assistance
30 capacity, existing services and other resources to facilitate community revitalization in the Upper
31 Kanawha Valley.

32 (3) It is the intent of the Legislature to identify existing state resources that can be
33 prioritized to support the Upper Kanawha Valley, generate thoughtful and responsible ideas to
34 mitigate the negative effects of the departure of the West Virginia Institute of Technology from the
35 Upper Kanawha Valley and help chart a new course and prosperous future for the Upper
36 Kanawha Valley.

37 (c) *Upper Kanawha Valley Resiliency and Revitalization Program established; duration of*
38 *program.* —

39 (1) The Development Office shall establish the Upper Kanawha Valley Resiliency and
40 Revitalization Program in accordance with the provisions of this section. ~~subject to the availability~~
41 ~~of funding necessary to support the program~~ The program shall inventory existing assets and
42 resources, prioritize planning and technical assistance, and determine such other assistance as
43 might be available to revitalize communities in the Upper Kanawha Valley.

44 (2) The program shall be ~~established for an initial period of five years from the effective~~
45 ~~date of this legislation~~ active until it concludes its work on June 30, 2024, and delivers a final
46 report to the Joint Committee on Government and Finance no later than October 1, 2024.

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

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

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

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

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

57 (5) A representative from the Kanawha County commission;

58 (6) A representative from the Fayette County commission;

59 (7) The mayor, or their designee, from the municipalities of Montgomery, Smithers, Pratt
60 and Gauley Bridge;

61 (8) A representative from Bridge Valley Community and Technical College; and

62 (9) A representative from West Virginia University.

63 (e) *Duties of the revitalization council.* —

64 (1) The council shall identify existing state resources that can be prioritized to support
65 economic development efforts in the Upper Kanawha Valley.

66 (2) The council shall direct existing resources in a unified effort and in conjunction with
67 contributing partners, as applicable, to support the Upper Kanawha Valley.

68 (3) The council shall develop a rapid response strategy to attract or develop new
69 enterprises and job creating opportunities in the Upper Kanawha Valley.

70 (4) The council shall conduct or commission a comprehensive assessment of assets
71 available at the campus of the West Virginia Institute of Technology and determine how those
72 assets will be preserved and repurposed.

73 (5) The council shall assist communities in the Upper Kanawha Valley by developing an
74 economic plan to diversify and advance the community.

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

78 (7) Members of the council shall work together to leverage funding or other agency
79 resources to benefit efforts to revitalize the Upper Kanawha Valley.

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

- 83 (1) The West Virginia Small Business Development Center;
- 84 (2) The Center for Rural Health Development;
- 85 (3) The West Virginia University Brickstreet Center for Entrepreneurship;
- 86 (4) The West Virginia University Land Use and Sustainability Law Clinic;
- 87 (5) The West Virginia University Center for Big Ideas;
- 88 (6) The New River Gorge Regional Development Authority;
- 89 (7) The ~~Rahall~~ Appalachian Transportation Institute;
- 90 (8) The Marshall University Center for Business and Economic Research;
- 91 (9) TechConnect;
- 92 (10) The West Virginia Community Development Hub;
- 93 (11) The West Virginia University Northern Brownfields Assistance Center;
- 94 (12) West Virginia State University Extension Service; and

95 (13) West Virginia University Extension Service, Community, Economic and Workforce
96 Development.

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 Upper Kanawha Valley and the results of these efforts. The annual report to the
101 Legislature shall be made to the Joint Committee on Government and Finance regarding the
102 previous fiscal year no later than October 1 of each year. Copies of the annual report to the
103 Legislature shall be provided to the county commissions and county school boards of Kanawha
104 and Fayette counties and the mayors of the Upper Kanawha Valley.

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

112 (i) *Use of state property and equipment; faculty.* — The Development Office or other owner
113 of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low
114 cost and economical use and sharing of state property and equipment, including computers,
115 research labs and other scientific and necessary equipment to assist any business within the
116 Upper Kanawha Valley at a nominal or reduced-cost reimbursement to the state for such use.

117 (j) *Joint Establishment of Schools Assessment.* — As part of the program established in
118 this section, the council shall assess the option of utilizing the authority granted in §18-5-11 of
119 this code to allow Kanawha County and Fayette County to jointly create or maintain schools that
120 serve the Upper Kanawha Valley: *Provided*, That the council's authority may not supersede the

121 authority granted to Kanawha County or Fayette County pursuant to §18-5-11. The State
122 Superintendent of Schools and any local community and technical college shall participate in the
123 assessment. Any option that arises out of this assessment may not impact the plans adopted in
124 Fayette County regarding other schools within the county. The goal of the assessment is to
125 determine whether students in the Upper Kanawha Valley can receive their Constitutionally
126 protected education in the Upper Kanawha Valley. The assessment shall take into consideration
127 options for high school students to take a combination of high school courses and college courses
128 to meet the requirements to graduate from high school and earn college credits that can be
129 applied toward meeting the requirements of a degree or credential. Ultimately, the results of the
130 assessment shall be included in the annual report due to the Legislature no later than October 1
131 of each year.

NOTE: The purpose of this bill is to enhance and extend the Upper Kanawha Valley Resiliency and Revitalization Program.

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