

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Enrolled**

## **Senate Bill 656**

BY SENATORS LAIRD, STOLLINGS, UNGER, MILLER AND

PALUMBO

[Passed March 8, 2016; in effect 90 days from passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5B-2-15, relating to creating the Upper Kanawha Valley Resiliency and  
3 Revitalization Program for a period of five years; finding that there are challenges facing  
4 the Upper Kanawha Valley due to the decision to relocate West Virginia University Institute  
5 of Technology from Montgomery, West Virginia, to Beckley, West Virginia; establishing  
6 revitalization council to organize and prioritize state resources and technical assistance  
7 for the Upper Kanawha Valley; directing revitalization council to develop strategies to  
8 stimulate economic activity in and around the municipalities in Upper Kanawha Valley in  
9 coordination with certain contributing partners to the extent possible; directing  
10 revitalization council to annually report to the Governor and the Legislature; directing  
11 Development Office and revitalization council to facilitate economic development  
12 incentives for the Upper Kanawha Valley; and authorizing Development Office or other  
13 state body to provide state property and equipment to businesses investing in the Upper  
14 Kanawha Valley at a reduced cost.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §5B-2-15, to read as follows:

**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 or other communities in the vicinity of the West Virginia  
18 University Institute of Technology.

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

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

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

26 (2) The purpose of this section is to establish the Upper Kanawha Valley 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 technical assistance  
29 capacity, existing services and other resources to facilitate community revitalization in the Upper  
30 Kanawha Valley.

31 (3) It is the intent of the Legislature to identify existing state resources that can be  
32 prioritized to support the Upper Kanawha Valley, generate thoughtful and responsible ideas to  
33 mitigate the negative effects of the departure of the West Virginia Institute of Technology from the

34 Upper Kanawha Valley and help chart a new course and prosperous future for the Upper  
35 Kanawha Valley.

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

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

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

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

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

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

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

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

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

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

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

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

60 (9) A representative from West Virginia University.

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

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

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

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

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

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

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

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

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

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

82 (2) The Center for Rural Health Development;

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

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

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

- 86 (6) The New River Gorge Regional Development Authority;
- 87 (7) The Rahall Transportation Institute;
- 88 (8) The Marshall University Center for Business and Economic Research;
- 89 (9) TechConnect;
- 90 (10) The West Virginia Community Development Hub;
- 91 (11) The West Virginia University Northern Brownfields Assistance Center;
- 92 (12) West Virginia State University Extension Service; and
- 93 (13) West Virginia University Extension Service, Community, Economic and Workforce
- 94 Development.

95 (g) *Reporting and agency accountability.* — The revitalization council, in coordination with  
96 its contributing partners, as applicable, shall report annually to the Governor and the Legislature  
97 detailing the progress of the technical assistance support provided by the program, the strategic  
98 plan for the Upper Kanawha Valley and the results of these efforts.

99 (h) *Economic Incentives for businesses investing in the Upper Kanawha Valley.* — The  
100 Development Office and the revitalization council, as applicable, will work to educate businesses  
101 investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and  
102 access to, economic development assistance, including but not limited to, the economic  
103 opportunity tax credit provided in section nineteen, article thirteen-q, chapter eleven of this code;  
104 the manufacturing investment tax credit provided under article thirteen-s, chapter eleven of this  
105 code; and any other applicable tax credit or development assistance.

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



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2016.

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*Governor*