

**WEST VIRGINIA LEGISLATURE**  
**2019 FIRST EXTRAORDINARY SESSION**

**Introduced**

**Senate Bill 1001**

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Introduced May 20, 2019]

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; modifying the  
 3 definition of “Upper Kanawha Valley”; requiring the council to waive its discretionary  
 4 program guidelines to allow funding requests that may fall outside of the program’s  
 5 guidelines but address the Upper Kanawha Valley communities’ goals for revitalization;  
 6 extending the program to June 30, 2024; and providing that the annual report due under  
 7 the program shall be delivered to the Joint Committee on Government and Finance with  
 8 copies being provided to the county commissions and mayors of the Upper Kanawha  
 9 Valley.

*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) “Prioritize” means, with regard to resources, planning, and technical assistance, that  
 9 the members of the revitalization council are required to waive their discretionary program  
 10 guidelines to allow funding requests that may fall outside of the program’s guidelines but address  
 11 the Upper Kanawha Valley communities’ goals for revitalization: *Provided*, That properly filed  
 12 funding applications by Upper Kanawha Valley communities shall be given preferential treatment.

13 ~~(B)~~ (C) “Program” means the Upper Kanawha Valley Resiliency and Revitalization  
 14 Program established in this section.

15           ~~(C)~~ (D) “Revitalization council” means those entities or their representatives described in  
16 subsection (d) of this section.

17           ~~(D)~~ (E) “Technical assistance” means resources provided by the state, revitalization  
18 council, contributing partners or any other individuals or entities providing programming, funding  
19 or other support to benefit the Upper Kanawha Valley under the program.

20           ~~(E)~~ (F) “Upper Kanawha Valley” means an area ~~defined by the Development Office that~~  
21 ~~encompasses the areas from Gauley Bridge to Pratt, including the municipalities of Montgomery,~~  
22 ~~Smithers, Pratt and Gauley Bridge~~ historically known as the Upper Kanawha Valley including  
23 municipalities and surrounding areas from the Charleston city limits to Gauley Bridge or other  
24 communities in the vicinity of the West Virginia University Institute of Technology.

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

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

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

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

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

41 Kanawha Valley.

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

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

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

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

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

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

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

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

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

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

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

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

67 (9) A representative from West Virginia University.

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

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

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

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

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

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

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

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

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

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

89 (2) The Center for Rural Health Development;

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

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

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

- 93 (6) The New River Gorge Regional Development Authority;
- 94 (7) The ~~Rahall~~ Appalachian Transportation Institute;
- 95 (8) The Marshall University Center for Business and Economic Research;
- 96 (9) TechConnect;
- 97 (10) The West Virginia Community Development Hub;
- 98 (11) The West Virginia University Northern Brownfields Assistance Center;
- 99 (12) West Virginia State University Extension Service; and
- 100 (13) West Virginia University Extension Service, Community, Economic and Workforce
- 101 Development.

102 (g) *Reporting and agency accountability.* — The revitalization council, in coordination with

103 its 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 Upper Kanawha Valley and the results of these efforts. The annual report to the

106 Legislature shall be made to the Joint Committee on Government and Finance regarding the

107 previous fiscal year no later than October 1 of each year. Copies of the annual report to the

108 Legislature shall be provided to the county commissions and the mayors of the Upper Kanawha

109 Valley.

110 (h) *Economic Incentives for businesses investing in the Upper Kanawha Valley.* — The

111 Development Office and the revitalization council, as applicable, will work to educate businesses

112 investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and

113 access to, economic development assistance, including but not limited to, the economic

114 opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax

115 credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or

116 development assistance.

117 (i) *Use of state property and equipment; faculty.* — The Development Office or other owner

118 of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low

- 119 cost and economical use and sharing of state property and equipment, including computers,
- 120 research labs and other scientific and necessary equipment to assist any business within the
- 121 Upper Kanawha Valley at a nominal or reduced-cost reimbursements to the state for such use.

NOTE: The purpose of this bill is to modify the definition of Upper Kanawha Valley, to extend the Upper Kanawha Valley Resiliency and Revitalization Program to June 30, 2024, and to provide that the annual report due under the program shall be delivered to the Joint Committee on Government and Finance with copies being provided to the county commissions and mayors of the Upper Kanawha Valley.

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