

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2363

BY DELEGATES STAGGERS, ANGELUCCI, KESSINGER,

FAST, SKAFF AND ROBINSON

[Passed March 7, 2019; in effect ninety days from

passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 27 P 5:06

FILED

HB 2363 vetoed

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1 AN ACT 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 definition
3 of “Upper Kanawha Valley”; defining terms; extending the length of the program; adding
4 to duties of revitalization council; clarifying the reporting requirements for the program;
5 removing certain language regarding funding; and requiring an assessment of the option
6 of establishing or 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) “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 programs’ 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 (C) “Program” means the Upper Kanawha Valley Resiliency and Revitalization Program
14 established in this section.

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

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

20 (F) “Upper Kanawha Valley” means an area historically known as the Upper Kanawha
21 Valley including municipalities and surrounding areas from the Charleston city limits to Gauley
22 Bridge or other communities in the vicinity of the former location of the West Virginia University
23 Institute of Technology.

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

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

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

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

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

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

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

48 (2) The program shall be active until it concludes its work on June 30, 2024, and delivers
49 a final report to the Joint Committee on Government and Finance no later than October 1, 2024.

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

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

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

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

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

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

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

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

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

65 (9) A representative from West Virginia University.

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

67 (1) The council shall prioritize the programs of its members by requiring that, if proper
68 applications are made, resources and funding are directed to Upper Kanawha Valley communities

69 to support economic development efforts in the Upper Kanawha Valley. The council shall be
70 flexible with regard to the programmatic uses of resources and funding: *Provided*, That such uses
71 do not violate federal or state laws, rules, or regulations governing the use of resources and
72 funding.

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

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

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

79 (5) The council shall conduct or commission a comprehensive assessment of assets
80 available at the campus of the West Virginia Institute of Technology and determine how those
81 assets will be preserved and repurposed.

82 (6) The council shall assist communities in the Upper Kanawha Valley by developing an
83 economic plan to diversify and advance the community.

84 (7) Members of the council shall support both the planning and implementation for the
85 program and shall give priority wherever possible to programmatic activity and discretionary,
86 noncompetitive funding during the period the program remains in effect.

87 (8) Members of the council shall work together to leverage funding or other agency
88 resources to benefit efforts to revitalize the Upper Kanawha Valley.

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

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

93 (2) The Center for Rural Health Development;

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

- 95 (4) The West Virginia University Land Use and Sustainability Law Clinic;
- 96 (5) The West Virginia University Center for Big Ideas;
- 97 (6) The New River Gorge Regional Development Authority;
- 98 (7) The Appalachian Transportation Institute;
- 99 (8) The Marshall University Center for Business and Economic Research;
- 100 (9) TechConnect;
- 101 (10) The West Virginia Community Development Hub;
- 102 (11) The West Virginia University Northern Brownfields Assistance Center;
- 103 (12) West Virginia State University Extension Service; and
- 104 (13) West Virginia University Extension Service, Community, Economic and Workforce
105 Development.

106 (g) *Reporting and agency accountability.* — The revitalization council, in coordination with
107 its contributing partners, as applicable, shall report annually to the Governor, and the Legislature
108 detailing the progress of the technical assistance support provided by the program, the strategic
109 plan for the Upper Kanawha Valley and the results of these efforts. The annual report to the
110 Legislature shall be made to the Joint Committee on Government and Finance regarding the
111 previous fiscal year no later than October 1 of each year. Copies of the annual report to the
112 Legislature shall be provided to the county commissions and county school boards of Kanawha
113 and Fayette counties and the mayors of the Upper Kanawha Valley.

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

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

126 (j) *Joint Establishment of Schools Assessment.* — As part of the program established in
127 this section, the council shall assess the option of utilizing the authority granted in §18-5-11 of
128 this code to allow Kanawha County and Fayette County to jointly create or maintain schools that
129 serve the Upper Kanawha Valley: *Provided,* That the council's authority may not supersede the
130 authority granted to Kanawha County or Fayette County pursuant to §18-5-11. The State
131 Superintendent of Schools and any local community and technical college shall participate in the
132 assessment. Any option that arises out of this assessment may not impact the plans adopted in
133 Fayette County regarding other schools within the county. The goal of the assessment is to
134 determine whether students in the Upper Kanawha Valley can receive their constitutionally
135 protected education in the Upper Kanawha Valley. The assessment shall take into consideration
136 options for high school students to take a combination of high school courses and college courses
137 to meet the requirements to graduate from high school and earn college credits that can be
138 applied toward meeting the requirements of a degree or credential. Ultimately, the results of the
139 assessment shall be included in the annual report due to the Legislature no later than October 1
140 of each year.

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

Steve Lisits
.....
Chairman, House Committee

Mark Spang
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steph D. Harris
.....
Clerk of the House of Delegates

Jee Lim
.....
Clerk of the Senate

Ben Hunter
.....
Speaker of the House of Delegates

Witt B. Carmichael
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 27 P 5:06

FILED

The within *is disapproved* this the *27th*
March
day of 2019.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2019

Time 11:12am