

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 481**

BY SENATORS ROBERTS, CAPUTO, JEFFRIES, NELSON,  
SMITH, STOVER, WOODRUM, PHILLIPS, AND DEEDS

[Introduced January 26, 2023; referred  
to the Committee on Economic Development]



1 A BILL to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating  
2 to extending the sunset provision of the Upper Kanawha Valley Resiliency and  
3 Revitalization Program.

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

**ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.**

**§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 "Contributing partners" means those entities or their representatives described in  
7 subsection (f) of this section.

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

13 "Program" means the Upper Kanawha Valley Resiliency and Revitalization Program  
14 established in this section.

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

17 "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 "Upper Kanawha Valley" means an area historically known as the Upper Kanawha Valley  
21 including municipalities and surrounding areas from the Charleston city limits to Gauley Bridge or  
22 other communities in the vicinity of the West Virginia University Institute of Technology.

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

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

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

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

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

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

42 (1) The Development Office shall establish the Upper Kanawha Valley Resiliency and  
43 Revitalization Program in accordance with the provisions of this section. The program shall  
44 inventory existing assets and resources, prioritize planning and technical assistance, and

45 determine such other assistance as might be available to revitalize communities in the Upper  
46 Kanawha Valley.

47 (2) The program shall remain active until it concludes its work on June 30, ~~2024~~ 2029, and  
48 delivers a final report to the Joint Committee on Government and Finance no later than October  
49 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 Secretary of the Department of Economic Development or their designee, who  
55 shall serve 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 identify existing state resources that can be prioritized to support  
68 economic development efforts in the Upper Kanawha Valley.

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

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

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

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

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

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

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

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

87 (2) The Center for Rural Health Development;

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

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

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

91 (6) The New River Gorge Regional Development Authority;

92 (7) The Appalachian Transportation Institute;

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

94 (9) TechConnect;

95 (10) The West Virginia Community Development Hub;

96 (11) The West Virginia University Northern Brownfields Assistance Center;

97 (12) West Virginia State University Extension Service; and

98 (13) West Virginia University Extension Service, Community, Economic and Workforce  
99 Development.

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

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

115 (i) *Use of state property and equipment; faculty.* — The Department of Economic  
116 Development or other owner of state property and equipment in the Upper Kanawha Valley is  
117 authorized to provide for the low cost and economical use and sharing of state property and  
118 equipment, including computers, research labs, and other scientific and necessary equipment to  
119 assist any business within the Upper Kanawha Valley at a nominal or reduced-cost  
120 reimbursements to the state for that use.