

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 894

By Senators Hart and Rose

[Introduced March 24, 2025; referred
to the Committee on Economic Development; and
then to the Committee on Finance]

1 A BILL to amend and reenact §5B-11-1, §5B-11-2, §5B-11-3, and §5B-11-4 of the Code of West
2 Virginia, 1931, as amended, relating to the King Coal Highway Economic Advisory Board
3 Act; renaming the West Virginia Advanced Energy and Economic Corridor Authority the
4 King Coal Highway Economic Advisory Board; modifying legislative findings for creation of
5 advisory board; reducing membership of advisory board to 11 members; modifying
6 requirements for members of advisory board; and modifying powers and duties of the
7 advisory board.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 11. ~~WEST VIRGINIA ADVANCED ENERGY AND ECONOMIC CORRIDOR~~
~~AUTHORITY~~ KING COAL HIGHWAY ECONOMIC ADVISORY BOARD ACT.**

§5B-11-1. Legislative findings.

1 The Legislature finds that the ~~Advanced Energy and Economic Corridor~~ counties along the
2 King Coal Highway, once known as Tug-Ohio-Levisa-Sandy Improvement Association (TOLSIA)
3 and the ~~King Coal Highway~~ which runs through the counties of McDowell, Mercer, Mingo, Wayne,
4 and Wyoming has have undergone significant ~~challenges~~ economic damages owing to
5 ~~widespread changes in the national and global economies~~ harmful federal environmental policies
6 and regulations which drastically impacted the domestic market for coal-fired power generation
7 and severely injured the economies of the counties along the King Coal Highway; and every effort
8 should be made to assist the transformation recovery of these injured regional economies by
9 providing guidance to local governments, businesses, and industries to ~~maximize~~ reduce
10 unnecessary regulatory obstacles to organic economic development growth and diversification of
11 ~~these economies~~ leverage our abundant natural energy and material resources, encourage
12 entrepreneurship, and support business creation within the region. As part of the National
13 Highway System's I-73/74 corridor from northern Michigan to eastern South Carolina, the
14 ~~Advanced Energy and Economic Corridor~~ King Coal Highway will not only foster greater

15 transportation efficiencies, but will also provide vital connectivity to burgeoning markets, resulting
16 in both job creation and economic expansion in southern West Virginia.

17 The ~~economic development agencies~~ county commissions along this corridor are aligning
18 efforts to embrace the ~~expansion of the energy and economic development policies adopted by~~
19 ~~the West Virginia Legislature as a tool for economic development and are focused on efforts to~~
20 ~~transform and revitalize~~ opportunities presented by our abundant natural resources and our
21 skilled, creative, and hard-working people to support the region by fostering partnerships and
22 initiatives which are complementary and supportive of existing successful industries in West
23 Virginia.

24 The Legislature, by enactment of this article, intends to facilitate implementation of critical
25 and time-sensitive opportunities for economic development along ~~the Advanced Energy and~~
26 ~~Economic Corridor~~ the King Coal Highway by establishing an authority advisory board, known as
27 the ~~West Virginia Advanced Energy and Economic Corridor Authority (authority)~~ King Coal
28 Highway Economic Advisory Board, to facilitate assistance to ~~these local entities comprised of the~~
29 ~~economic development agencies of McDowell, Mercer, Mingo, Wayne, and Wyoming counties.~~

§5B-11-2. Advanced Energy and Economic Corridor Authority King Coal Highway
Economic Advisory Board created; membership; terms; meetings; quorum;
compensation and expenses; assistance from Department of Economic
Development.

1 (a) The ~~Advanced Energy and Economic Corridor Authority (authority)~~ King Coal Highway
2 Economic Advisory Board is hereby created as an independent body corporate. It shall consist of
3 the following 43 11 original members ~~who are involved in economic, commercial, or industrial~~
4 ~~development in the geographic region of the authority:~~

5 (1) A representative of the ~~economic development agency of McDowell County~~
6 Commission;

7 (2) A representative of the ~~economic development agency of Mercer County~~ Commission;

(3) A representative of the ~~economic development agency~~ of Mingo County Commission;

(4) A representative of the ~~economic development agency~~ of Wayne County Commission;

(5) A representative of the ~~economic development agency~~ of Wyoming County Commission;

(6) A representative of the ~~Region 1 Planning and Development Council~~; and

(7) A representative of the ~~Region 2 Planning and Development Council~~; and

(8) The following ~~seven members appointed by the Governor, or his or her designee~~:

(A) A representative from ~~businesses and industries located in the state~~;

(B) An ~~economic development representative from a utility company that provides service to the corridor region~~;

(C) ~~Four private sector representatives from the technology, energy, advanced manufacturing, and aviation, aerospace, or advanced air mobility sectors in the corridor region; and~~

(D) ~~Two at-large members from regions and counties along the corridor who have knowledge and experience in local issues, economic development, and other areas of expertise~~

(b) Within the first three meetings, the panel shall nominate and appoint by a majority vote six additional members of the advisory board, consisting of:

(1) One representative with at least seven years of executive experience in the coal mining industry; and

(2) One representative with at least seven years of executive experience in the oil and gas industry; and

(3) One representative with at least seven years of executive experience in the electrical utility industry; and

(4) One representative with at least seven years of executive experience in manufacturing, with emphasis on production of coke, steel, polymers and/or other advanced materials sourced from coal-based feedstocks; and

(5) One representative with at least seven years of executive or managerial experience in production agriculture through ruminant grazing;

(6) One representative with extensive historical knowledge of the counties and communities included in the King Coal Highway.

(b) Each member shall serve a term of five years. Members may be reappointed to additional terms and, upon expiration of their respective terms, shall continue to serve until their successor has been appointed. The chair, vice-chair, and officers shall be selected annually by majority vote of the members. The chair shall schedule meetings and set the agenda for each meeting.

(c) A majority of members, in person or by real-time electronic communication, constitutes a quorum to conduct business at a meeting.

(d) If a member of the authority must recuse himself or herself because of a perceived or actual conflict of interest, a majority of the remaining members of the authority without a conflict shall be sufficient for the conduct of authority business.

(e) Members are not entitled to compensation for services performed as members.

§5B-11-3. Powers and duties of the authority.

(a) The authority shall have, ~~but not be limited to,~~ the following powers and duties:

(1) Set specific tactical goals and demonstrable objectives via input from member counties and communities;

(2) ~~Maintain an inclusive, rather than constraining,~~ a geographic focus on economic development in the counties contained within the King Coal Highway;

(3) ~~Seek out private-public partnerships~~ Create and coordinate related RFPs when necessary to achieve specific objectives related to multi-county projects critical to its vision;

(4) Foster partnerships with groups in other states that follow the ~~I-73/74~~ King Coal Highway corridor to help build broad support for the economic development and infrastructure projects undertaken;

(5) ~~Communicate with legislators to discuss~~ Propose legislation for bonding and tax credits to facilitate economic development along the corridor improving the business environment in West Virginia to boost overall competitiveness with other states;

(6) Seek governmental engagement for guidance on local or ~~state-regional-or-national~~ initiatives to achieve economic development objectives;

(7) Utilize ~~cutting-edge~~ appropriate technologies and ~~innovation platforms~~ where their applications will be most beneficial;

(8) ~~Propose~~ Discuss effects of potential legislation ~~to allow regulatory flexibility along corridor-expanded boundaries toward the goals and objectives of the advisory board;~~

~~(9) Develop a memorandum of understanding with the Appalachian Regional Commission in areas of economic development, transportation, tourism, infrastructure, technology, and other areas beneficial to the member counties and communities, and the state; and~~

~~(10) Develop~~ (9) Identify economic and tourism asset portfolios opportunities for inclusion of the authority's advisory board's vision; and

~~(11) (10)~~ Apply for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

~~(b) The authority may also exercise all powers necessary or appropriate to carry out the purposes of this article including, but not limited to, the following:~~

~~(1) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;~~

~~(2) Lease property, whether as lessee or lessor, and to acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the use of the public;~~

~~(3) Mortgage or otherwise grant security interests on its property;~~

~~(4) Procure insurance against any losses in connection with its property, license or easements, contracts, including hold-harmless agreements, operations, or assets in such amounts and from such insurers as the authority considers desirable;~~

~~(5) Maintain such sinking funds and reserves as the authority determines appropriate for the purposes of meeting future monetary obligations and needs of the Authority;~~

(11) Seek advice and expertise from members of the Regional Councils, state or local economic development agencies, or other governmental, nongovernmental, or private entities as needed.

~~(6) (12) Contract for the provision of legal services by private counsel and, notwithstanding any other provision of the code to the contrary, the counsel may, in addition to the provisions of other legal services, represent the authority advisory board in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority advisory board on any matter relating to the authority advisory board, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority advisory board, provided that such expenses are paid out of a dedicated fund established within the advisory board with contributions allocated from participating county commissions;~~

~~(7) (13) Appoint officers, agents, and employees and to Contract for and engage the services of consultants, provided that such expenses are paid out of a dedicated fund established within the advisory board with contributions allocated from participating county commissions;~~

~~(8) (14) Make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation to effect any or all of the purposes of this article Coordinate contracts when necessary to complete multi-county projects critical to achieving the vision of the advisory board;~~

~~(9) (15) Without in any way limiting any other provision of this section, accept grants and loans from, and enter into contracts and other transactions with, any federal agency; and Seek guidance for participating counties in applying for relevant and timely loans and grants from state or federal sources; and~~

62 ~~(10) (16) Accept~~ Coordinate applications and direct gifts or grants of property, funds,
 63 security interests, money, materials, labor, supplies, or services from the federal government or
 64 from any governmental unit or any person, firm, or corporation and to carry out the terms or
 65 provisions of or make agreements with respect to or pledge any gifts or grants and to do any and
 66 all things necessary, useful, desirable, or convenient in connection with the procuring, acceptance,
 67 or disposition of gifts or grants toward the participating counties.

68 (c) No liability or obligation is incurred by the ~~authority~~ advisory board beyond the extent to
 69 which money is awarded for grant acquisition facilitation.

§5B-11-4. Report to the Legislature.

1 On or before December 1, 2024, and annually thereafter, the ~~authority~~ advisory board shall
 2 prepare and submit to the Joint Committee on Government and Finance a written report, which
 3 may be transmitted electronically, detailing its undertakings for the past year, including, but not
 4 limited to, all projects ~~and any private-public partnerships~~ entered into, as well as any
 5 recommended legislation or policy actions needed to facilitate greater economic development
 6 along the ~~Advanced Energy and Economic Corridor~~ King Coal Highway.

NOTE: The purpose of this bill is to rename the West Virginia Advanced Energy and Economic Corridor Authority the King Coal Highway Economic Advisory Board; to modifying the legislative findings for the creation of the advisory board; reduce membership of advisory board to 11 members; modify requirements for members of advisory board; and modify powers and duties of the advisory board.

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