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.]
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AN ACT to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; modifying definition of “Upper Kanawha Valley”; defining terms; extending the length of the program; adding to duties of revitalization council; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option 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.

(a) Definitions. —

(1) General. — Terms defined in this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this section.

(2) Terms Defined. —

(A) “Contributing partners” means those entities or their representatives described in subsection (f) of this section.

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

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

(D) “Revitalization council” means those entities or their representatives described in subsection (d) of this section.
(E) “Technical assistance” means resources provided by the state, revitalization council, contributing partners, or any other individuals or entities providing programming, funding, or other support to benefit the Upper Kanawha Valley under the program.

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

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

(b) Legislative purpose, findings and intent. —

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

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

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

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

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

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

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

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

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

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

(5) A representative from the Kanawha County commission;

(6) A representative from the Fayette County commission;

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

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

(9) A representative from West Virginia University.

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

(1) The council shall prioritize the programs of its members by requiring that, if proper applications are made, resources and funding are directed to Upper Kanawha Valley communities
to support economic development efforts in the Upper Kanawha Valley. The council shall be flexible with regard to the programmatic uses of resources and funding: Provided, That such uses do not violate federal or state laws, rules, or regulations governing the use of resources and funding.

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

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

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

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

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

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

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

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

(1) The West Virginia Small Business Development Center;
(2) The Center for Rural Health Development;
(3) The West Virginia University Brickstreet Center for Entrepreneurship;
(4) The West Virginia University Land Use and Sustainability Law Clinic;
(5) The West Virginia University Center for Big Ideas;
(6) The New River Gorge Regional Development Authority;
(7) The Appalachian Transportation Institute;
(8) The Marshall University Center for Business and Economic Research;
(9) TechConnect;
(10) The West Virginia Community Development Hub;
(11) The West Virginia University Northern Brownfields Assistance Center;
(12) West Virginia State University Extension Service; and
(13) West Virginia University Extension Service, Community, Economic and Workforce Development.

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

(h) Economic Incentives for businesses investing in the Upper Kanawha Valley. — The Development Office and the revitalization council, as applicable, will work to educate businesses investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and access to, economic development assistance, including, but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 et seq. of this code; and any other applicable tax credit or development assistance.
(i) Use of state property and equipment; faculty. — The Development Office or other owner of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low cost and economical use and sharing of state property and equipment, including computers, research labs, and other scientific and necessary equipment to assist any business within the Upper Kanawha Valley at a nominal or reduced-cost reimbursements to the state for such use.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

MAR 18 2019

Time 11:12 am