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H. B. 2932

(By Delegates White, Kominar and Miley)
(By Request of the Department of Commerce)
[Introduced January 28,2011; referred to the
Committee on Government Organization then Finance.]

A BILL to amend and reenact §5B-1-1a of the Code of West Virginia, 1931, as amended, relating to authorizing the Marketing and Communications office of the Department of Commerce to promote and sell West Virginia related items, as well as sell advertising in its publications, events or promotions.

Be it enacted by the Legislature of West Virginia:

That §5B-1-1a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-1a. Marketing and Communications Office.

(a) There is hereby created in the Department of Commerce the Marketing and Communications Office. The office is created to provide marketing and communications goods and services to other state agencies, departments, units of state or local government or

1 other entity or person.

2 (b) The office is authorized to charge for goods and services
3 it provides to other state agencies. The Secretary of the
4 Department of Commerce shall approve a fee schedule determining the
5 amounts that may be charged for goods and services provided by the
6 office to other state agencies. The office is also authorized to
7 promote and sell West Virginia-themed or related items. At the
8 discretion and approval of the Secretary of Commerce, the office
9 may also sell partnerships, sponsorships or advertising in its
10 publications, events or promotions to help offset the cost of
11 producing and distributing its products and services.

12 (c) All moneys collected shall be deposited in a special
13 account in the State Treasury to be known as the Department of
14 Commerce Marketing and Communications Operating Fund. Expenditures
15 from the fund shall be for the operation of the office and are not
16 authorized from collections but are to be made only in accordance
17 with appropriation by the Legislature and in accordance with the
18 provisions of article two, chapter eleven-b of this code:
19 *Provided, That for the fiscal year ending June 30, 2008,*
20 *expenditures are authorized from collections and shall be expended*
21 *at the discretion of the Secretary of the Department of Commerce*
22 *rather than pursuant to appropriation by the Legislature.*

23 (d) Any balance remaining at the end of any fiscal year shall
24 not revert to the General Revenue Fund, but shall remain in the

1 fund for expenditures in accordance with the purposes set forth in
2 this section.

3 (e) The Department of Commerce shall develop and maintain a
4 system of annual or more frequent performance measures useful in
5 gauging the efficiency and effectiveness of the office's marketing
6 and communications activities. The measures shall also reflect the
7 office's efficiency and effectiveness with respect to commercially
8 available marketing and communications services and any private
9 sector benchmarks which might be identified or created. For the
10 purposes of this section, "performance measures" means income,
11 output, quality, self-sufficiency and outcome metrics.

12 (f) Beginning on January 1, 2008, and annually every year
13 thereafter, the Secretary of the Department of Commerce shall
14 report to the Joint Committee on Government and Finance, the Joint
15 Standing Committee on Finance and the Joint Commission on Economic
16 Development on the performance of the office. This report is to
17 include a statement of the performance measurements for the office
18 developed by the Secretary of the Department of Commerce and an
19 analysis of the office's performance.

20 (g) Pursuant to the provisions of article ten, chapter four of
21 this code, the Marketing and Communications Office shall continue
22 to exist until July 1, 2010, unless sooner terminated, continued or
23 reestablished.

NOTE: The purpose of this bill is to authorize the Marketing and Communications office of the Department of Commerce to promote and sell West Virginia related items, as well as sell advertising in its publications, events or promotions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added