

1 **Senate Bill No. 456**

2 (By Senators Kessler(Acting President) and Unger)

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4 [Introduced February 8, 2011; referred to the Committee on
5 Economic Development; and then to the Committee on Finance.]
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10 A BILL to amend and reenact §5B-1-1a of the Code of West Virginia,
11 1931, as amended, relating to allowing the Marketing and
12 Communications Office of the Department of Commerce, with the
13 approval of the secretary, to sell partnerships, sponsorships
14 or advertising in its publications, events or promotions.

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

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

18 **ARTICLE 1. DEPARTMENT OF COMMERCE.**

19 **§5B-1-1a. Marketing and Communications Office.**

20 (a) There is ~~hereby created~~ continued in the Department of
21 Commerce the Marketing and Communications Office. The office is
22 created to provide marketing and communications goods and services
23 to other state agencies, departments, units of state or local
24 government or other entity or person.

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

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

21 (d) Any balance remaining at the end of any fiscal year shall
22 not revert to the General Revenue Fund, but shall remain in the
23 fund for expenditures in accordance with the purposes set forth in
24 this section.

25 (e) The Department of Commerce shall develop and maintain a

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

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

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

(NOTE: The purpose of this bill is to allow the Marketing and Communications Office of the Department of Commerce, with the approval of the secretary, to sell partnerships, sponsorships or 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.)