

Senate Bill No. 456

(By Senators Kessler(Acting President) and Unger)

[Introduced February 8, 2011; referred to the Committee on Economic Development; and then to the Committee on Finance.]

A BILL to amend and reenact §5B-1-1a of the Code of West Virginia, 1931, as amended, relating to allowing 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.

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.

- 1 (a) There is ~~hereby created~~ continued in the Department of
- 2 Commerce the Marketing and Communications Office. The

3 office is created to provide marketing and communications
4 goods and services to other state agencies, departments, units
5 of state or local government or other entity or person.

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

16 (c) All moneys collected shall be deposited in a special
17 account in the State Treasury to be known as the Depart-
18 ment of Commerce Marketing and Communications Operat-
19 ing Fund. Expenditures from the fund shall be for the
20 operation of the office and are not authorized from collec-
21 tions but are to be made only in accordance with appropria-
22 tion by the Legislature and in accordance with the provisions
23 of article two, chapter eleven-b of this code. ~~Provided, That~~
24 ~~for the fiscal year ending June 30, 2008, expenditures are~~

25 ~~authorized from collections and shall be expended at the~~
26 ~~discretion of the Secretary of the Department of Commerce~~
27 ~~rather than pursuant to appropriation by the Legislature.~~

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

32 (e) The Department of Commerce shall develop and
33 maintain a system of annual or more frequent performance
34 measures useful in gauging the efficiency and effectiveness
35 of the office's marketing and communications activities. The
36 measures shall also reflect the office's efficiency and effec-
37 tiveness with respect to commercially available marketing
38 and communications services and any private sector
39 benchmarks which might be identified or created. For the
40 purposes of this section, "performance measures" means
41 income, output, quality, self-sufficiency and outcome
42 metrics.

43 (f) ~~Beginning On January 1 2008, and annually every year~~
44 ~~thereafter, of each year~~ the Secretary of the Department of
45 Commerce shall report to the Joint Committee on Govern-
46 ment and Finance, the Joint Standing Committee on Finance

47 and the Joint Commission on Economic Development on the
48 performance of the office. This report is to include a state-
49 ment of the performance measurements for the office
50 developed by the Secretary of the Department of Commerce
51 and an analysis of the office's performance.

52 ~~(g) Pursuant to the provisions of article ten, chapter four of~~
53 ~~this code, the Marketing and Communications Office shall~~
54 ~~continue to exist until July 1, 2010, unless sooner terminated,~~
55 ~~continued or 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.)