

RECEIVED

97 MAY -7 AM 11:32

OFFICE OF THE CLERK OF THE SENATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 367

(By Senator Anderson, ET AL)



PASSED April 12, 1997

In Effect Ninety days from Passage

RECEIVED

97 MAY -7 11:32

WEST VIRGINIA SENATE
STATE HOUSE

ENROLLED

Senate Bill No. 367

(BY SENATORS ANDERSON, BAILEY, CHAFIN, HELMICK,
JACKSON, LOVE, PLYMALE, PREZIOSO, SHARPE, WALKER,
BOLEY, DUGAN, MCKENZIE, MINEAR AND SPROUSE)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section four-a, all relating generally to the West Virginia development office; allowing the chair of tourism to appoint a designee to serve on the council for community and economic development; removing obsolete language regarding initial appointments to the council; providing for confidentiality of materials received by the development office or other public body whose primary responsibility is economic development; removing obsolete language regarding the development of a reorganization plan for the development office and the report to the

governor and the Legislature on the reorganization; providing for the amount of matching grants available to participating economic development corporations and authorities under the certified development community program; allowing the development office to enter into contractual agreements with eligible regional councils to provide funding for obtaining federal matching grants and for other purposes; specifying the amount of the state allocation; and requiring the development office to develop eligibility criteria.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section four-a, all to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-1. West Virginia development office; confidentiality.

1 The governor's office of community and industrial
2 development is hereby continued but is hereafter desig-
3 nated and shall be known as the West Virginia develop-
4 ment office. All references in this code to the office of
5 community and industrial development or the governor's
6 office of community and industrial development shall be
7 construed as references to the West Virginia development
8 office.

9 Any documentary material, data or other writing made
10 or received by the West Virginia development office or
11 other public body, whose primary responsibility is eco-
12 nomic development, for the purpose of furnishing assis-
13 tance to a new or existing business shall be exempt from
14 the provisions of article one, chapter twenty-nine-b of this
15 code: *Provided*, That any agreement entered into or
16 signed by the development office or public body which
17 obligates public funds shall be subject to inspection and
18 copying pursuant to the provisions of said article as of the
19 date the agreement is entered into, signed or otherwise
20 made public.

§5B-2-2. Council for community and economic development; members, appointment and expenses; meetings; appointment and compensation of director.

1 (a) The council for community and economic develop-
2 ment, within the West Virginia development office, is a
3 body corporate and politic, constituting a public corpora-
4 tion and government instrumentality. Membership on the
5 council consists of:

6 (1) Nine members to be appointed by the governor, with
7 the advice and consent of the Senate, representing com-
8 munity or regional interests, including economic develop-
9 ment, commerce, banking, manufacturing, the utility
10 industry, the mining industry, the telecommunica-
11 tions/data processing industry, small business, labor,
12 tourism or agriculture: *Provided*, That one member
13 appointed pursuant to this subsection shall be a member
14 of a regional planning and development council. Of the
15 nine members representing community or regional inter-
16 ests, three members shall be from each congressional
17 district of the state and shall be appointed in such a
18 manner as to provide a broad geographical distribution of
19 members of the council;

20 (2) Two at-large members to be appointed by the
21 governor with the advice and consent of the Senate;

22 (3) One member to be appointed by the governor from a
23 list of two persons recommended by the speaker of the
24 House of Delegates;

25 (4) One member to be appointed by the governor from a
26 list of two persons recommended by the president of the
27 Senate;

28 (5) The president of the West Virginia economic develop-
29 ment council; and

30 (6) The chair, or his or her designee, of the tourism
31 commission created pursuant to the provisions of section
32 eight of this article.

33 (b) The governor shall appoint the appointed members
34 of the council for four-year terms. Any member whose

35 term has expired shall serve until his or her successor has
36 been duly appointed and qualified. Any person appointed
37 to fill a vacancy shall serve only for the unexpired term.
38 Any member is eligible for reappointment. In cases of any
39 vacancy in the office of a member, the vacancy shall be
40 filled by the governor in the same manner as the original
41 appointment.

42 (c) Members of the council are not entitled to compensa-
43 tion for services performed as members, but are entitled to
44 reimbursement for all reasonable and necessary expenses
45 actually incurred in the performance of their duties. A
46 majority of the members constitute a quorum for the
47 purpose of conducting business. The council shall elect its
48 chair for a term to run concurrent with the term of office
49 of the member elected as chair. The chair is eligible for
50 successive terms in that position.

51 (d) The council shall employ an executive director of the
52 West Virginia development office, who is qualified for the
53 position by reason of his or her extensive education and
54 experience in the field of professional economic develop-
55 ment. The executive director shall serve at the will and
56 pleasure of the council. The salary of the director shall be
57 fixed by the council. The director shall have overall
58 management responsibility and administrative control and
59 supervision within the West Virginia development office.
60 It is the intention of the Legislature that the director
61 provide professional and technical expertise in the field of
62 professional economic and tourism development in order
63 to support the policy making functions of the council, but
64 that the director not be a public officer, agent, servant or
65 contractor within the meaning of section thirty-eight,
66 article VI of the constitution of the state and not be a
67 statutory officer within the meaning of section one, article
68 two, chapter five-f of this code. Subject to the provisions
69 of the contract provided for in section four of this article,
70 the director may hire and fire economic development
71 representatives employed pursuant to the provisions of
72 section five of this article.

**§5B-2-3. Powers and duties of council for community and
economic development.**

1 (a) The council for community and economic develop-
2 ment shall enhance economic growth and development
3 through the development of a comprehensive economic
4 development strategy for West Virginia. "Comprehensive
5 economic development strategy" means a plan that
6 outlines strategies and activities designed to continue,
7 diversify or expand the economic base of the state as a
8 whole; create jobs; develop a highly skilled work force;
9 facilitate business access to capital, including venture
10 capital; advertise and market the resources offered by the
11 state with respect to the needs of business and industry;
12 facilitate cooperation among local, regional and private
13 economic development enterprises; improve infrastructure
14 on a state, regional and community level; improve the
15 business climate generally; and leverage funding from
16 sources other than the state, including federal and private
17 sources.

18 (b) The council shall develop a certified development
19 community program and provide funding assistance to the
20 participating economic development corporations or
21 authorities through a matching grant program. The
22 council shall establish criteria for awarding matching
23 grants to the corporations or authorities within the limits
24 of funds appropriated by the Legislature for the program.
25 The matching grants to corporations or authorities eligible
26 under the criteria shall be in the amount of thirty thou-
27 sand dollars for each fiscal year, if sufficient funds are
28 appropriated by the Legislature. The West Virginia
29 development office shall recognize existing county,
30 regional or multi-county corporations or authorities where
31 appropriate.

32 In developing its plan, the West Virginia development
33 office shall consider resources and technical support
34 available through other agencies, both public and private,
35 including, but not limited to, the state college and univer-
36 sity systems; the West Virginia housing development fund;
37 the West Virginia economic development authority; the
38 West Virginia parkways, economic development and
39 tourism authority; the West Virginia round table; the West
40 Virginia chamber of commerce; regional planning and

41 development councils; regional partnership for progress
42 councils; and state appropriations.

43 (c) The council shall promulgate rules to carry out the
44 purposes and programs of the West Virginia development
45 office to include generally the programs available, and the
46 procedure and eligibility of applications relating to
47 assistance under the programs. These rules are not subject
48 to the provisions of chapter twenty-nine-a of this code,
49 but shall be filed with the secretary of state.

§5B-2-4a. State allocation to regional councils.

1 The West Virginia development office may enter into
2 contractual agreements with the regional councils formed
3 under the provisions of section five, article twenty-five,
4 chapter eight of this code to provide funding to the
5 regional councils to be used to obtain federal matching
6 grants and for other purposes determined to be appropri-
7 ate by the development office. The maximum state
8 allocation to each eligible regional council shall be forty
9 thousand dollars: *Provided*, That the amount of the
10 allocation shall be determined by dividing the number of
11 eligible regional councils into the total amount of funds
12 made available for allocation by the Legislature. The
13 West Virginia development office shall develop criteria to
14 determine a regional council's eligibility for the state
15 allocation.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schomover
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll E. Schaefer
.....
Clerk of the Senate

Gregory M. Snow
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

P. Ki
.....
Speaker House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

Jeff Perdue
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/28/97

Time

2:26pm